

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

**Ground Water Discharge Permit
Permit No. UGW370005**

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

**Lisbon Valley Mining Company, LLC
P.O. Box 248
La Sal, Utah 84532**

is granted a Ground Water Discharge Permit for the Lisbon Valley Mine located from latitude 38° 08' 28" to 38° 08' 56" North, longitude 109° 08' 32" to 109° 09' 47" West in accordance with conditions set forth herein.

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

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

This permit renewal shall become effective on December 11, 2007.

This permit and the authorization to operate shall expire at midnight, December 11, 2012.

Signed this 11th day of December, 2007.

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

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I. SPECIFIC CONDITIONS

A. Ground Water Classification

In accordance with UAC R317-6-3, ground water at the existing monitoring wells is classified as Class III Limited Use Ground Water based upon levels of alpha and beta activity above the ground water quality standards as defined in UAC R317-6-2.

B. Background Ground Water Quality

Background ground water quality for monitoring wells SLV-1A, SLV-2, SLV-3, 94MW2, 94MW4, MW96-7A, and MW97-12 are defined in Table 1. The levels described are based on available data submitted through November 2004.

C. Ground Water Protection Levels

1. Protection Levels for Compliance Monitoring Wells - Ground water quality at compliance monitoring wells 94MW94, MW96-7A, MW96-7B, and MW97-12 shall not exceed the ground water protection levels defined in Table 2.
2. Compliance Determination Method - Compliance with ground water protection levels shall be accomplished with the use of compliance monitoring wells. If future monitoring data indicate an exceedance of protection levels compliance status will be determined in accordance with Part II.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. Subsequent updates of this document shall be utilized as available and appropriate.

TABLE 1: Monitoring Well Background Statistics

Parameter	Method Detection Limit	Ground Water Quality Standard	Monitoring Well MW2A		Monitoring Well 94MW2		Monitoring Well SLV1A	
			Background Level (mg/l)		Background Level (mg/l)		Background Level (mg/l)	
			Mean	Std Dev	Mean	Std Dev	Mean	Std Dev
pH (units)	n/a	6.5-8.5	7.10	0.41	7.01	0.40	7.07	0.44
Antimony	0.002	0.006 ^(b)	<0.003	n/a	0.003	0.002	<0.003	n/a
Arsenic	0.005	0.05	<0.005	n/a	<0.005	n/a	<0.005	n/a
Barium	0.01	2.0	0.017	0.007	0.021	0.007	0.009	0.004
Beryllium	0.001	0.004 ^(b)	<0.001	n/a	<0.001	n/a	<0.001	n/a
Cadmium	0.001	0.005	<0.001	n/a	0.009	0.005	0.015	0.009
Chromium	0.005	0.1	<0.005	n/a	<0.005	n/a	0.009	0.008
Copper	0.01	1.3	0.203	0.079	<0.01	n/a	<0.01	n/a
Lead	0.005	0.015	<0.005	n/a	0.016	0.024	0.006	0.005
Manganese	0.01	0.05 ^(a)	1.09	0.17	0.38	0.51	1.56	0.68
Mercury	0.0002	0.002	<0.0002	n/a	<0.0002	n/a	<0.0002	n/a
Nickel	0.01	0.1 ^(b)	0.010	0.003	0.037	0.031	0.035	0.014
Selenium	0.002	0.05	0.007	0.007	0.009	0.009	0.011	0.010
Silver	0.002	0.1	<0.002	n/a	0.004	0.003	<0.002	n/a
Thallium	0.001	0.002 ^(b)	<0.001	n/a	<0.001	n/a	<0.001	n/a
Vanadium	0.01	n/a	<0.01	n/a	<0.01	n/a	<0.010	n/a
Zinc	0.05	5.0	0.862	0.986	0.725	0.464	0.671	0.410
Fluoride	0.3	4.0	0.356	0.206	0.393	0.143	0.584	0.093
Nitrate-N	0.02	10.0	0.091	0.127	0.036	0.031	<0.02	n/a
Nitrite-N	0.005	1.0	0.007	0.003	0.007	0.004	<0.005	n/a
TDS	5.0	10,000	2,346	123	904	138	3,030	1,014
Thorium	1 pCi/l	n/a	ID	ID	ID	ID	ID	ID
Uranium	0.001	0.03	ID	ID	ID	ID	ID	ID
Radium-226	1 pCi/l	20 pCi/l	ID	ID	ID	ID	ID	ID
Radium-228	1 pCi/l	20 pCi/l	ID	ID	ID	ID	ID	ID
Gross alpha	2 pCi/l	15 pCi/l	239	139	270	218	132	92
Gross beta	4 pCi/l	8 pCi/l	114	68	273	1,765	176	112

(a) Final EPA maximum contaminant level.
(b) Protection Level equals standard due to lack of background data. May be updated based upon sufficient data.
ID Insufficient data
mg/l Milligrams per liter
n/a Not applicable
pCi/l Pico curies per liter

TABLE 1 (continued): Monitoring Well Background Statistics

Well			SLV2		SLV3		MW96-7A		MW96-7B		MW97-12	
			Background Level (mg/L)		Background Level (mg/L)		Background Level (mg/L)		Background Level (mg/L)		Background Level (mg/L)	
Parameter	Method Detection Limit	Ground Water Quality Standard	Mean	Std Dev								
pH (units)	n/a	6.5-8.5	7.686	0.280	7.025	0.308	6.976	0.300	8.246	0.313	7.485	0.230
Antimony	0.002	0.006	0.0026	0.0026	0.0025	0.0037	0.0028	0.0034	0.0020	0.0015	0.0023	0.0029
Arsenic	0.005	0.05	0.004	0.004	0.004	0.007	0.005	0.003	0.091	0.127	0.002	0.001
Barium	0.01	2.0	0.126	0.232	0.052	0.099	0.096	0.183	0.134	0.182	0.153	0.200
Beryllium	0.001	0.004 ^(b)	0.0008	0.0010	0.0008	0.0011	0.0004	0.0003	0.0008	0.0004	0.0004	0.0003
Cadmium	0.001	0.005	0.0007	0.0008	0.0009	0.0009	0.001	0.001	0.001	0.003	0.0004	0.0003
Chromium	0.005	0.1	0.002	0.002	0.003	0.004	0.002	0.002	0.002	0.001	0.003	0.002
Copper	0.01	1.3	0.009	0.013	0.005	0.002	0.006	0.002	0.008	0.006	0.006	0.003
Lead	0.005	0.015	0.0028	0.0040	0.0030	0.0024	0.0032	0.0031	0.0026	0.0024	0.0020	0.0015
Mercury	0.0002	0.002	0.00012	0.00005	0.00026	0.00037	0.00026	0.00058	0.00057	0.00219	0.00019	0.00019
Selenium	0.002	0.05	0.004	0.003	0.005	0.007	0.003	0.003	0.005	0.012	0.003	0.006
Silver	0.002	0.1	0.024	0.069	0.022	0.066	0.062	0.132	0.053	0.122	0.025	0.077
Thallium	0.001	0.002 ^(b)	0.0006	0.0006	0.0008	0.0007	0.0008	0.0012	0.0009	0.0014	0.0014	0.0044
Zinc	0.05	5.0	0.121	0.163	0.154	0.192	0.365	0.628	0.021	0.036	0.045	0.068
Fluoride	0.3	4.0	0.457	0.115	0.403	0.116	0.412	0.105	0.679	0.242	0.487	0.057
Nitrate-N	0.02	10.0	0.140	0.207	0.252	0.473	0.147	0.150	0.196	0.440	0.225	0.653
Nitrite-N	0.005	1.0	0.008	0.006	0.006	0.004	0.008	0.008	0.011	0.016	0.011	0.010
TDS	5.0	3,000	511.8	188.4	1,860.9	153.2	1321.8	169.8	604.8	219.6	632.6	90.4
Uranium	0.001	0.03	0.014	0.003	0.131	0.203	0.013	0.004	0.001	0.001	0.091	0.065
Gross alpha (pCi/l)	2	15	55.8	51.5	86.5	49.1	50.3	58.9	25.3	40.7	83.6	100.5
Gross beta (pCi/l)	4	8	58.1	65.8	77.4	43.4	33.1	25.5	30.3	46.8	61.4	70.1

- (a) Final EPA maximum contaminant level.
- (b) Protection Level equals standard due to lack of background data. May be updated based upon sufficient data.
- ID Insufficient data
- mg/l Milligrams per liter
- n/a Not applicable
- pCi/l Pico curies per liter
- Std Dev Standard Deviation

Table 2: Ground Water Protection Levels

Well	MW94-04	MW96-7A	MW96-7B	MW96-12
Parameter	Protection Level (mg/L)	Protection Level (mg/L)	Protection Level (mg/L)	Protection Level (mg/L)
pH (units)	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5
Antimony	0.007 ^(c)	0.0060 ^(d)	0.0060 ^(d)	0.0060 ^(d)
Arsenic	0.025 ^(b)	0.025 ^(b)	0.314 ^(e)	0.025 ^(b)
Barium	1.0 ^(b)	1.0 ^(b)	1.0 ^(b)	1.0 ^(b)
Beryllium	0.002 ^(b)	0.002 ^(b)	0.002 ^(b)	0.002 ^(b)
Cadmium	0.0025 ^(b)	0.0025 ^(b)	0.0025 ^(b)	0.0025 ^(b)
Chromium	0.050 ^(b)	0.050 ^(b)	0.050 ^(b)	0.050 ^(b)
Copper	0.650 ^(b)	0.650 ^(b)	0.650 ^(b)	0.650 ^(b)
Lead	0.008 ^(b)	0.015 ^(d)	0.015 ^(d)	0.008 ^(b)
Mercury	0.001 ^(b)	0.002 ^(d)	0.002 ^(d)	0.001 ^(b)
Selenium	0.025 ^(b)	0.025 ^(b)	0.050 ^(d)	0.050 ^(d)
Silver	0.05 ^(b)	0.100 ^(d)	0.100 ^(d)	0.100 ^(d)
Thallium	0.001 ^(b)	0.002 ^(d)	0.002 ^(d)	0.002 ^(d)
Zinc	2.5 ^(b)	2.5 ^(b)	2.5 ^(b)	5.0 ^(d)
Fluoride	3.96 ^(d)	2.0 ^(b)	2.0 ^(b)	2.0 ^(b)
Nitrate-N	5.0 ^(b)	5.0 ^(b)	5.0 ^(b)	5.0 ^(b)
Nitrite-N	1.59 ^(c)	0.50 ^(b)	0.50 ^(b)	0.50 ^(b)
TDS	915 ^(a)	1,652 ^(a)	756 ^(a)	791 ^(a)
Uranium	0.036 ^(d)	0.0261 ^(d)	0.03 ^(d)	0.205 ^(d)
Gross Alpha (pCi/l)	61 ^(c)	154 ^(e)	128 ^(e)	262 ^(e)
Gross Beta (pCi/l)	60 ^(c)	78 ^(e)	113 ^(e)	186 ^(e)

- (a) Protection Level equals 1.25 times the mean background concentration.
- (b) Protection Level equals on 0.5 times the Ground Water Quality Standard.
- (c) Protection Level equals mean background concentration since the mean exceeds the standard.
- (d) Protection Level equals greater of 1.5 times the mean or the mean plus 2 standard deviations.
- (e) Protection Level based on Upper Prediction Limit, calculated per USEPA 1992 guidance.

D. Best Available Technology

Best Available Technology construction and operation standards of this permit apply to the following facilities: 1) Heap Leach Pad; 2) Raffinate, Pre-Raffinate, Pregnant Liquor Solution (PLS) and Storm Water Ponds; 3) Emergency Overflow Pond; 4) Heap Leach Solution Ditches; 5) Waste Rock Piles; 6) Wetlands Treatment Cell. All facilities shall be constructed in accordance with the approved Plans and Specifications and the conditions of the previously approved Construction Permit. The following paragraphs list the construction and operating standards for the specifically permitted facilities.

1. BAT Construction Standards

- a. Heap Leach Pads, Stages 1 and 2: The liner shall be constructed of the following layers in order from bottom to top: a) 12 inches of compacted silt with a maximum permeability of 1×10^{-6} cm/sec; b) leak detection strips spaced at a 200-foot intervals, consisting of 2-inch diameter perforated Schedule 80 polyvinyl chloride (PVC) pipe laid in the bottom of gravel bed wrapped with 8-ounce non-woven geotextile; c) the compacted silt and the leakage detection system will be covered by a minimum 6-inch layer of compacted clayey soil with a maximum permeability of 1×10^{-7} cm/sec; d) the primary liner will be an 80-mil HDPE liner with a minimum 2-foot protective cover of minus 3/4 inch sedimentary ore.

Stage 1 and 2 Leak Detection: Underdrains surrounded by geotextile with 2-inch perforated pipe, spaced east-west at 200 feet from the solution ditch to the conveyor corridor. 2-inch drains change to solid PVC at the edge of the pad and terminate at the inspection point. A 3-inch pipe connects the inspection ports and terminates at the PLS pond. Upon leakage, the 3-inch will drain in to the PLS pond.

- b. Heap Leach Pads, Stages 3 and 4: The liner shall be constructed of the following layers in order from bottom to top: a) 12 inches of compacted fine-grained clayey soil with a maximum permeability of 1×10^{-7} cm/sec; and b) the primary liner will be a 60-mil LLDPE liner with a minimum two foot protective cover of crushed ore.

Stage 3 and 4 Leak Detection: 10 lysimeters will be installed at a depth of 5 feet below final grade of Stages 3 and 4. The lysimeters are constructed with a porous lysimeter probe and internal collection cup. The lysimeters are connected to tubing installed within the Schedule 80 PVC piping that is routed to monitoring locations downhill from the toe of the berm. The lysimeters are spaced 20 feet apart.

- c. Intermediate Leachate Solution [ILS], Raffinate, Pre-Raffinate, Pregnant Leachate Solution [PLS] and Storm Water Ponds: The liner shall be constructed to a minimum 2.0 percent slope and be constructed of the following layers in order from bottom to top: a) 12 inches of compacted clayey soil with a maximum permeability of 1×10^{-7} cm/sec; b) a 40-mil HDPE secondary liner, 60-mil LLDPE secondary liner for the ILS pond; c) a geonet leak detection system, with five leak detection ports along the west edge of the ILS pond and; d) an 80-mil HDPE primary liner.
 - d. Emergency Overflow Pond: The liner shall be constructed of the following layers in order from bottom to top: a) 12 inches of compacted clayey soil having a maximum permeability of 1×10^{-7} cm/sec; b) an 8-oz geotextile fabric leakage detection layer and; b) a 60-mil HDPE primary liner.
 - e. Heap Leach Solution Ditches: The liner shall be constructed of the following layers in order from top to bottom: a) 12 inches of compacted clayey soil with a maximum permeability of 1×10^{-7} cm/sec; b) a 40-mil HDPE secondary liner; c) a geonet between the secondary and primary liners for leakage detection; d) a primary 80-mil HDPE liner with geonet below all pipes as protection against abrasion. The 40-mil HDPE secondary liner will extend into the pad for a distance of not less than 10 feet.
 - f. Waste Rock Piles: There will be three large waste rock repositories at the site. Potentially acid generating materials from coal stringers within the Burro Canyon and Dakota formations will be encapsulated within acid neutralizing material from other formations within the mine. At closure, the waste rock repositories will be graded and vegetated in accordance with Division of Oil Gas and Mining rules. Encapsulation is defined as a minimum of 40 feet of neutralizing material below, above and to the sides of all acid generating materials. The maximum lift thickness for acid generating material is 50 feet.
 - g. Wetlands Treatment Cell: The liner shall be constructed of the following layers in order from top to bottom: a) 12 inches of compacted clayey soil with a maximum permeability of 1×10^{-6} cm/sec; b) a primary 80-mil HDPE liner.
2. BAT Performance Standards
- a. Heap Leach Pads: Due to the design of the leakage detection system that allows small leaks in the primary liner to go undetected the allowable leakage rate from any of the leakage detection ports is zero gallons per acre per day.
 - b. Raffinate, Pre-Raffinate, PLS and Storm Water Ponds: The allowable leakage rate for these ponds is 200 gallons per acre per day.

- c. Emergency Overflow Pond: Use of this pond will constitute a BAT failure under this permit. The Permittee is required to notify the Executive Secretary within 24 hours of the time heap leach runoff is directed to this pond. Notification shall be in accordance with the conditions of Part I.E.3 below. In addition to meeting the requirements above, the following conditions must be met in order for the Permittee to demonstrate affirmative defense under Part III.F: 1) all solutions entering this pond must be neutralized to a pH of 6.5 to 8.5; 2) because the geotextile that functions as the leakage detection layer will only conduct water once the clay beneath it is saturated, the allowable detectable leakage rate may not exceed zero gallons per acre per day; and 3) the Permittee must take all appropriate steps to limit use of the emergency pond to the shortest length of time possible.
 - d. Heap Leach Solution Ditches: The allowable leakage rate is 200 gallons per acre per day.
 - e. Waste Rock Piles: Encapsulation of potentially acid generating material within the waste rock repositories.
 - f. Wetlands Treatment Cell: The allowable leakage rate is 200 gallons per acre per day.
3. Leakage Detection Fluids - any fluid collected in any of the leakage detection systems shall be contained and pumped to one of the double lined process or storm water ponds. Any fluid collected shall be monitored in accordance with Part I.E.2, below.
 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 double lined process or storm water ponds.

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.
 5. Future Construction - New construction of the heap leach pad shall be according to the design and methods approved in this Permit.
 - a. Authorized Construction - The heap leach pad is authorized to be constructed in 4 phases for a total surface area of 266 acres. Expansion of the pad by more than 10% of the acreage stated above will require ground water 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 I.G.4. Expansion of the heap leach pad for stages 2, 3 and 4 will require a construction permit for each of the pad extensions. Each pad expansion will 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 Document* (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 Monitoring QA\QC 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 Attachments 1, 2 and 3 of the *Lisbon Valley Project Mitigation and Monitoring Plan*.
- b. Monitoring Wells - For the purposes of this permit, the Permittee shall monitor the following wells at the locations described below.
 - (1) Compliance Monitoring Well MW94-04 - Latitude 38° 08' 56" N, Longitude 109° 10' 15".
 - (2) Compliance Monitoring Well MW96-07A - Latitude 38° 08' 45" N, Longitude 109° 07' 47".
 - (3) Compliance Monitoring Well MW96-07B - Latitude 38° 08' 45" N, Longitude 109° 07' 47".
 - (4) Compliance Monitoring Well MW97-12 - Latitude 38° 09' 09", Longitude 109° 08' 16".
 - (5) Ambient Monitoring Well 94MW2 - Latitude 38° 07' 40" N, Longitude 109° 07' 03".
 - (6) Ambient Monitoring Well SLV2 - Latitude 38° 08' 53" N, Longitude 109° 08' 29".
 - (7) Ambient Monitoring Well PW-3 - Latitude 38° 08' 38" N, Longitude 109° 07' 37".
 - (8) Ambient Monitoring Well MW06-15 - Latitude 38° 08' 29" N, Longitude 109° 08' 25".

- 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. They 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 in each monitoring well prior to any collection of ground water samples. These measurements will be made from a permanent single reference point clearly demarcated on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot.
 - (2) Ground Water Quality Sampling - grab samples of ground water from all compliance monitoring wells will be collected for chemical analysis on a quarterly basis, except MW96-7B which shall be sampled on an annual basis, in conformance with the Water Quality Monitoring QA\QC Plan that has been 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 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 R317-6-6.3A(13), and
 - (b) Have detection limits which are less than or equal to the method detection limits found in Part I.C, Table 2.
 - (3) Analysis Parameters - the following analyses will be conducted on all ground water samples collected:
 - (a) Field Parameters - pH, temperature, and specific conductance
 - (b) Laboratory Parameters - including:
 - Major Ions: including chloride, sulfate, carbonate, bicarbonate, sodium, potassium, magnesium and calcium.
 - Protection Level Parameters - found in Table 2 of Part I.C, above.

2. Best Available Technology Monitoring Requirements - The Permittee shall monitor all leakage detection and collection systems and settlement monitoring devices in accordance with the Best Available Technology Monitoring Plan submitted as required in Part I.H.3.
3. Hydrogeologic Monitoring Requirements - The Permittee will complete an annual update of the Lisbon Valley Hydrogeologic System Evaluation submitted as part of the ground water permit application. The report will be submitted according to the schedule and reporting requirements of Part I.G.3, below. The purpose of the annual evaluation is to update and refine the original evaluation based on data obtained from the construction, testing and operation of de-watering and water supply wells. The evaluation will address whether or not pit lakes will form following mining in any of the mining pits and whether or not ground water quality in the Navajo/Entrada aquifer will be impacted by mining activities or by post closure conditions. In addition to updating the original evaluation each annual report will include:
 - a. The evaluation will contain summarized dewatering data for each point of withdrawal.
 - b. An annual water quality report with at least 1 complete water quality analysis from each active point of ground water withdrawal. Ground water sampling will meet the requirements outlined in Part I.E.1, above. Accelerated monitoring requirements do not apply to these wells.
 - c. A well construction As-Built report for all wells constructed in the year. The report shall meet the conditions of Part I.H.2.b, below.
 - d. Potentiometric Map - The potentiometric map shall illustrate the ground water elevation of the uppermost aquifers beneath the mining facilities. 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 mining and processing site. Known contours must be distinguished from suspected or inferred contours. Other pertinent geologic, hydrologic, or man made features, including wells, must be displayed.

F. Non-Compliance Status

1. Probable Out-of-Compliance Based on Exceedance of Ground Water Protection Limits - the Permittee shall evaluate the results of each round of ground water sampling and analysis to determine any exceedance of the ground water protection levels found in Table 1 . Upon determination by the Permittee that the data indicate a ground water protection level may have been exceeded at any downgradient 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 implement an accelerated schedule of monthly ground water sampling and analysis, consistent with the requirements of Part I.E.1, above. This monthly sampling will 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 will 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 based on 1.5 times the mean background concentration, 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 been defined as detectable in the background and for which protection levels have been established based on 0.5 times the ground water quality standard, out-of-compliance shall be defined as 2 consecutive samples exceeding the protection level and the mean background concentration by two standard deviations.
 - (3) For parameters that have background data sets between 50-85% non-detectable analyses, out-of-compliance shall be defined as 2 consecutive samples from a compliance monitoring point exceeding the established protection level.
 - (4) For parameters that have been defined non-detectable in the background and for which protection limits have been determined based on 0.5 times the ground water quality standard or the limit of detection out-of-compliance shall be defined as 2 consecutive samples from a compliance monitoring point exceeding the established protection limit.
 - 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.
- 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), 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 violation of any of the construction or performance standards outlined in Part II.D, of this permit, the Permittee shall submit to the Executive Secretary a notification and description of the violation in accordance with Part II.1 and Part II.2.

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 3 below.

TABLE 3: Compliance Monitoring Reporting Schedule

While Under Non-Operational Status	
<u><i>Annual</i></u> October 31	<u><i>Report Due On</i></u> December 31
During Operations	
<u><i>Quarterly</i></u>	<u><i>Report Due On</i></u>
1st (Jan.,Feb., March)	April 30
2nd (April, May, June)	July 31
3 rd (July, Aug. , Sept.)	October 31
4 th (Oct., Nov., Dec.)	January 31

b. Sampling and Analysis Report - will include:

- (1) Field Data Sheets - or copies thereof, including the field measurements, required in Part I.E.1.e.iii.A, 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 Analysis - 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) 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 or other approved transmittal mechanism.

2. Best Available Technology Report:

- a. Routine Schedule - The Best Available Technology (BAT) monitoring, sampling and analysis required under Part I.E.2 shall be summarized on a monthly basis and reported to the Executive Secretary in accordance with the Compliance Monitoring Schedule of Table 3.

- 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.
 - c. Electronic Filing Requirements - In addition to submittal of the hard copy data, the Permittee shall electronically submit the required water quality monitoring data in the electronic format specified by the Executive Secretary. The data may be sent by e-mail, compact disc, or other approved transmittal mechanism.
3. Hydrogeologic Report:
- a. Schedule - The hydrogeologic report required in Part I.E.3, 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.
 - b. Electronic Filing Requirements - In addition to submittal of the hard copy data, the Permittee shall electronically submit the required water quality monitoring data in the electronic format specified by the Executive Secretary. The data may be sent by e-mail, compact disc, or other approved transmittal mechanism.
4. Seasonal Construction Notification Report:
- a. Schedule - The advance notification of the seasonal construction activities required in part I.E.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. Water Quality Monitoring QA\QC Plan - The water quality sampling, handling and analysis plan, Appendix A of the permit, shall be updated and/or modified as required by the Executive Secretary. The revised plan will be submitted for Executive Secretary approval, within 60 days following receipt of notice from the Executive Secretary, that updates or revisions to the plan are required.
- 2. Compliance Monitoring Well Requirements
 - a. Heap Leach Facility Monitoring Wells – Because the two monitoring wells (MW97-8 and MW05-14) installed near the southeast corner of the Stage 1 and Stage 2 Heap Leach Pad have been dry, no additional monitoring wells are required for the Stage 3 and Stage 4 Heap Leach Pad.
 - b. 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:

- (1) Casing: depth, diameter, and type of material.
 - (2) Screen: length, depth interval, diameter, material type, slot size.
 - (3) Sand Pack: depth interval, material type and grain size.
 - (4) Annular Seals: depth interval, material type.
 - (5) Surface Casing and Cap: depth, diameter, material type, protection measures constructed.
 - (6) Elevation and Location: ground surface elevation, elevation of water level measuring point, latitude and longitude in hours, minutes and seconds.
 - (7) Well construction description, well completion description, results of pumping or aquifer tests.
3. 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 construction of any facilities described in this permit. The plan will include all procedures and methods sufficient to ensure compliance with the BAT performance standards of Part II.D.2, including the criteria for encapsulation of potentially acid generating waste rock. The approved document will become an enforceable Appendix B to this permit and is hereby incorporated by reference.
4. Interim Conceptual Closure Plan - The Permittee shall submit a conceptual closure plan and secure approval of the plan prior to construction of any facilities described in this permit. The interim conceptual closure plan must specifically address neutralization, cover design, fluid disposal and long term fluid management. The Permittee will modify the plan in accordance with agency review comments and the results of any ongoing studies to form the basis for the Final Conceptual Closure Plan required in Part I.H.5, below.
5. 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. The conceptual closure plan must specifically address neutralization, cover design, fluid disposal and long term fluid management. 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.

6. 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:

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 Executive Secretary at any time.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The Permittee shall verbally report any noncompliance, or spills subject to the provisions of UCA 19-5-114, which may endanger public health or the environment as soon as possible, but no later than 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 (7:00 am - 6:00 pm Mountain Time Monday through Thursday).
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) 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.

F. Affirmative Defense

In the event that a compliance action is initiated against the Permittee for violation of permit conditions relating to discharge minimization 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 Part II.I.1 and 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 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.
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."

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.