

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. UGW150001

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

PACIFICORP
201 South Main Street
Suite 300
Salt Lake City, Utah 84111

hereafter referred to as the Permittee, is granted a ground water discharge permit for the operation of the Hunter Power Plant in Emery County, Utah.

The Hunter Power Plant is located on a tract of land encompassed in Section 16, Township 19 South, Range 8 East, Salt Lake Base and Meridian (111° 01' 51" W. Longitude and 39° 10' 28" N. Latitude).

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

This permit shall become effective on **SEP 29 2015**

This permit and authorization to operate shall expire at midnight **SEP 29 2020**

Signed this *29 Sep-2015*



Walter L. Baker, P.E.
Director

Table of Contents

PART I	SPECIFIC CONDITIONS	3
A.	Ground Water Classification	3
B.	Background Ground Water Quality	3
C.	Ground Water Protection Levels	3
D.	Permitted Facilities.....	4
E.	Facility Discharge Minimization Technology Performance Standards.....	6
F.	Best Management Practices Performance Standards	7
G.	Monitoring.....	9
H.	Reporting Requirements.....	10
I.	Demonstration of Compliance	11
J.	Compliance Schedule	11
PART II	MONITORING, RECORDING AND REPORTING REQUIREMENTS	12
A.	Representative Sampling.....	12
B.	Analytical Procedures	12
C.	Penalties for Tampering	12
D.	Reporting of Monitoring Results.....	12
E.	Compliance Schedules	12
F.	Additional Monitoring by the Permittee	12
G.	Records Contents	12
H.	Retention of Records.....	13
I.	Twenty-four Hour Notice of Noncompliance Reporting	13
J.	Other Noncompliance Reporting	13
K.	Inspection and Entry	13
PART III	COMPLIANCE RESPONSIBILITIES	14
A.	Duty to Comply	14
B.	Penalties for Violations of Permit Conditions.....	14
C.	Need to Halt or Reduce Activity not a Defense	14
D.	Duty to Mitigate	14
E.	Proper Operation and Maintenance.....	14
PART IV	GENERAL REQUIREMENTS	15
A.	Planned Changes	15
B.	Anticipated Noncompliance	15
C.	Permit Actions.....	15
D.	Duty to Reapply	15
E.	Duty to Provide Information	15
F.	Other Information.....	15
G.	Signatory Requirements	15
H.	Penalties for Falsification of Reports	16
I.	Availability of Reports	16
J.	Property Rights.....	17
K.	Severability	17
L.	Transfers.....	17
M.	State Laws	17
N.	Reopener Provision	17
	Permit Application References documents on file:	
	1) Hunter Research Farm Wastewater Land Application Plan Rev. 3 Feb 2015	
	2) Site Wide Monitoring & Sampling and Analysis Plan Rev. 3 Jan 2015	
	3) Best Management Practices Plan October 2005	
	4) Hunter Facility Closure Plan version: March 2005	

PART I SPECIFIC CONDITIONS

A. GROUND WATER CLASSIFICATION

The ground water classification for the Mancos Shale in the area of the Hunter Plant is Class IV saline ground water.

B. BACKGROUND GROUND WATER QUALITY

Table 1 provides background water quality based on monitoring data collected from site ground water monitoring wells since 1979.

Thin surficial sediments overlying Mancos shale are partially saturated from precipitation, irrigation of farms upgradient of the plant site, irrigation of the 480 acre Hunter Research Farm, and seepage from Hunter Plant process water holding facilities. Hunter Plant wastewater is used for irrigating the Hunter Research Farm. Plant wastewater, with the exception of elevated levels of boron and nitrate, is better quality than the Mancos Shale ground water. Table 1 lists representative values for waters at the plant site at time of original permit application in 2004.

**TABLE 1
HUNTER PLANT BACKGROUND GROUND WATER QUALITY**

Source	TDS	Boron	Nitrate	Chloride	Sulfate	pH
Mancos Shale	17860	1.3	1.79	865	7051	7.24
Alluvial Aquifer	5201	0.56	0.39	80	2653	7.46
Surface Water stream (UPL-7a)	8317	0.98	0.21	158	4640	8.22
Water Source (UPL-14)	386	<0.1	<0.1	13	124	8.48
Plant Wastewater	4000	4.97	1.20	270	2479	7.26

Mean background concentration units mg/L, except pH

C. GROUND WATER PROTECTION LEVELS

Ground water and surface water quality is quite variable site-wide, as indicated in Table 1. Table 2 provides arbitrary ground water protection levels for most compliance monitoring wells. Protection levels for select wells listed in Table 2 are based on statistical evaluation of monitoring history. The Permittee shall operate the facility in a manner which does not cause the ground water standards (UAC R317-6.2) and aquifer protection levels in Table 2 that were developed for this permit to be exceeded in the unconfined aquifer underlying the farming operations or other aquifers that may be impacted by facility operations, as indicated by the downgradient monitoring wells at each of the plant's potential source areas (PSA). Utah ground water regulations also contain standards for contaminants such as metals, pesticides and volatile organic compounds. Accordingly, the Permittee must not discharge these or any other contaminants in quantities which could impair beneficial uses of the ground water.

**TABLE 2
HUNTER PLANT
PROTECTION LEVELS FOR GROUND WATER AQUIFERS**

AQUIFER PROTECTION LEVELS mg/L						
PSA Unit	pH ^(a)	Nitrate/Nitrite as N ^(a)	Boron	Chloride	Selenium ^(a)	Compliance Monitoring Wells
Farm Land Application	6.5 - 8.5	10	5	750	0.05	E17W, E22W, NE3W, NE4W
Plant Site	6.5 - 8.5	10	5	750	0.05	PS-1*, PS-2, PS-3
FGD Sludge Containment	6.5 - 8.5	10	5	750	0.05	FGD-1, FGD-2*, FGD-3
Wastewater Pond Site	6.5 - 8.5	10	5	750	0.05	WW-3, WW-4*, WW-5*, WW-6
Coal Pile	6.5 - 8.5	10	5	750	0.05	CP-3, CP-5, CP-6, CP-8*

(a) Equals Ground Water Quality Standard

* Monitoring well currently exceeds one or more protection levels. These wells will be classified as out of compliance only if concentrations of monitored constituents show a statistically significant increase above the levels observed during permit compliance monitoring history, or exceed Health and Safety Standards for Class IV waters, in accordance with R317-6-6.2.2

D. PERMITTED FACILITIES

The facilities authorized under this permit are listed in Table 3. These facilities constitute those, not permitted by rule, where there is potential for release of fluids to ground water.

The facilities listed in Table 4 are "Permitted By Rule" per R317-6-6.2(A)(1) and (5). These unit processes are not specifically addressed by this permit. However, no discharge of contaminants in quantities which could cause an exceedance of the applicable ground water protection levels is allowed from these sites.

**TABLE 3
HUNTER PLANT PERMITTED FACILITIES**

Permitted Facilities	Discharge Control Technology	Volume
Wastewater Pond #1	membrane liner	670 ac-ft
Wastewater Pond #2	24" clay liner	246 ac-ft
Clearwell	membrane liner	759,000 gal
Scrubber Settling Basin	concrete	520,000 gal
Waste Holding Basin	concrete	570,000 gal
Recovery basin	concrete	379,000 gal
Oil Spill Collection Basin	membrane liner	120,000 gal
Transformer Deluge Collection Pond	unlined	10,000 gal
Hydrobins Washdown Basin	concrete	26,400 gal
Unit #3 Fly ash silo Washdown Basin	concrete	68,000 gal
Cooling Tower #1 Sump	concrete	842,000 gal
Cooling Tower #2 Sump	concrete	842,000 gal
Cooling Tower #3 Sump	concrete	842,000 gal
Circulation Water Holding Basin	24" clay liner	3,340,000 gal
Cooling Tower Chemical Treatment Evaporation Pond	24" clay liner	60,000 gal

**TABLE 4
HUNTER PLANT - FEATURES PERMITTED BY RULE**

Permit by Rule Facilities	Fluid Volume	Inspection and Maintenance	Discharge Control Technology
Raw Water Pond	158 acre-feet	Monthly inspection of berms and control structures	Membrane Lined
Snow Lake (raw water storage)	2,000 acre-feet	Monthly inspection of berms and control structures	Unlined
Coal Yard storm water pond	25 acre-feet	Monthly inspection of berms and control structures	24" clay liner
Ash Landfill storm water pond	104 acre-feet	Monthly inspection of berms and control structures	18" clay liner
Coal Yard Washdown basin	5,000 gallons	Monthly inspection	concrete
Coal Conveyor Gallery Washdown Basin #1	9,700 gallons	Monthly inspection	Concrete
Coal Conveyor Gallery Washdown Basin #2	9,700 gallons	Monthly inspection	Concrete
Water Treatment storm water pond	748,000 gallons	Monthly inspection	18" Clay liner
Coal Storage Area	not applicable	Monthly inspection	none
Hunter Research Farm	not applicable	Monthly inspection during irrigation season	No irrigation below root zone

E. FACILITY DISCHARGE MINIMIZATION TECHNOLOGY PERFORMANCE STANDARDS

The enforceable performance standard for this permit to achieve protection of water quality will be to use discharge minimization technology (DMT) to minimize discharge of process fluids and wastewater to ground water from the permitted facilities listed in Table 3. The Permittee is responsible for maintenance of discharge control technology to prevent degradation of ground water or surface water leaving the site. Achievement of these performance standards will be demonstrated by:

- 1) Adherence to the performance criteria in Table 5. Discharge minimization technology commensurate with plant process design will be used to minimize any PSA contaminant releases to ground water.

- 2) No ground water degradation beyond that which exists at time of initial permit issuance and protection levels established in Table 2. Compliance monitoring wells are listed in Table 2. Several compliance wells listed in Table 2 already exceed protection levels and background values established by upgradient wells. These wells will be classified as out of compliance only if concentrations of monitored constituents listed in Table 2 show a statistically significant increase above historical background concentrations.
- 3) No surface water degradation caused by plant processes, or seepage of contaminated ground water into surface waters (gaining stream). Contaminants identified for each PSA and in Table 2 must be contained at the plant site and prevented, as much as practicable, from contaminating surface waters and exiting the Hunter facility.

F. BEST MANAGEMENT PRACTICES PERFORMANCE STANDARDS

1. Land application of process waters in accordance with the *Hunter Research Farm Wastewater Land Application Plan*. This plan was developed to dispose of power plant wastewater by efficient agricultural irrigation within environmental regulations. Permittee shall operate the Hunter Research Farm to minimize impact to ground water from farm operations by water application at a rate that does not exceed evaporation from soil and evapotranspiration through the crop canopy. The Hunter sprinkler system applies less than the basic intake rate of the surface soil to prevent runoff. This application rate will also minimize the potential for water contained in saturated surficial sediments to seep to surface water streams in the plant area
2. Permittee shall operate the Hunter Plant process water containment structures according to the Best Management Practices plan (BMP). Implementation of the BMP will ensure proper handling of facility process waters, prompt cleanup of any releases, and an ongoing inspection and maintenance program for facilities included in this permit.
3. Closure - Certain ponds or facilities shall undergo closure in accordance with the closure plan. This plan will be reviewed every 5 years or as needed prior to site closure.
4. New Construction - Any construction, modification, or operation of new waste or wastewater disposal, treatment, or storage facilities shall require submittal of engineering design plans and specifications, and prior Director review and approval. All engineering plans or specifications submitted shall demonstrate compliance with all Best Available Technology requirements stipulated by the Utah Ground Water Quality Protection Regulations (UAC R317-6). Upon Director approval, a Construction Permit may be issued, and this Permit may be re-opened and modified to include any necessary requirements.

**TABLE 5
HUNTER POWER PLANT - SOURCE AREAS and OPERATIONAL MONITORING SITES**

Facility Component	Fluids Handled	BAT Description	Operation and Maintenance	Performance Criteria
Process water ponds UPL-12 670 ac-ft UPL-12A 246 ac-ft	Plant process blow-down, evaporative cooler blowdown, Cooling tower water, roof and floor drain runoff, sewage treatment effluent, storm and surface drains, non-hazardous chemical cleaning wastes, fly ash bottom ash and water, water treatment regeneration wastes, FGD fluids, boiler drains	UPL-12 24" clay liner UPL-12A Membrane liner Monitoring wells	Best Management Practices Plan	<ul style="list-style-type: none"> ● Adherence to BMP plan ● Ground water permit limits
Plant Site Three unit coal-fired steam electrical generation plant	Plant process blow-down, evaporative cooler blowdown, Cooling tower water, roof and floor drain runoff	Shale substratum Monitoring wells	Hunter Facility Closure Plan	<ul style="list-style-type: none"> ● Adherence to BMP plan ● Ground water permit limits
FGD Slurry Containment Basins	FGD slurry (calcium sulfate /sulfite solution and precipitate)	Concrete troughs Shale substratum Monitoring wells	Hunter Facility Closure Plan	<ul style="list-style-type: none"> ● Prompt repair of leaks ● Ground water permit limits
Coal Storage Area	Maintenance areas wash wastewater	Concrete sumps Shale substratum Monitoring wells	Hunter Facility Closure Plan	<ul style="list-style-type: none"> ● Adherence to BMP plan ● Ground water permit limits
Research Farm Land Application and Wastewater Ponds	Wastewater	Shale substratum Monitoring wells	Land Application Plan	<ul style="list-style-type: none"> ● Adherence to Ground water permit limits
Surface Streams	Surface waters	none	Sampling and Analysis Plan	<ul style="list-style-type: none"> ● Adherence to sampling plan

G. MONITORING

1. General Provisions

- a) *Future Modification of the Monitoring Program* - If at any time the Director determines the monitoring program to be inadequate, Permittee shall submit within 30 days of receipt of written notice from the Director a modified monitoring plan that addresses the inadequacies noted by the Director.
- b) *Compliance Monitoring Period* - Monitoring shall commence upon issuance of this permit and shall continue through the term of this permit. For facilities that are constructed during the term of this permit, monitoring shall commence upon initiation of operation of the new facility.
- c) *Laboratory Approval* - All water quality analyses shall be performed by a laboratory certified by the State of Utah to perform such analysis. Analytical methods shall conform to Table II of the Site Wide Monitoring & Sampling and Analysis Plan Revision 3. Analytical methods may only be changed after approval by the Director.
- d) *Water Level Measurement* - In association with each well sampling event, water level measurements shall be made in each monitoring well prior to removal of any water from the well bore. These measurements will be made from a permanent single reference point clearly marked on the top of the well or surface casing. Measurements will be made to the nearest 0.01 feet.
- e) *Sampling Protocol* - Water quality samples will be collected, handled and analyzed in conformance with the current approved version of the Site Wide Monitoring & Sampling and Analysis Plan. The results of ground water monitoring shall be reported in accordance with the schedule in Part I Section H.
- f) *Constituents Sampled* - The following analysis shall be performed on all monitoring samples collected from Hunter Research Farm and PSA wells:
 - i) Field Measurements: pH, specific conductance, temperature, water level.
 - ii) Laboratory Analysis:
 - Total Dissolved Solids
 - Major Ions (Na, K, Mg, Ca, Cl, SO₄, CO₃, HCO₃)
 - nitrate + nitrite as N
 - boron
 - selenium
 - ii) Other constituents may be added as a permit requirement for PSA wells if monitoring indicates a potential threat to ground water degradation.

2. Well Monitoring Frequency

Research Farm wells listed in Table 2 shall be sampled semi-annually. PSA monitoring wells listed in Table 2 shall be sampled according to the schedule in the Site Wide Monitoring & Sampling and Analysis Plan. Any new compliance monitoring wells that may be required by the Division of Water Quality will be sampled eight consecutive quarters following installation to establish baseline ground water quality. Surface waters shall be sampled according to the schedule in the Site Wide Monitoring & Sampling and Analysis Plan.

3. Operational Monitoring

- a) Monitoring Frequency – Representative water samples from Wastewater Ponds #1 and #2 shall be collected semi-annually.
- b) Representative water samples for non-well monitoring points shall be collected according to the schedule in the Site Wide Monitoring & Sampling and Analysis Plan.
- c) Permittee shall characterize the fluids contained in the Facility Components listed in Table 3 with representative grab samples. Operational monitoring shall occur two times during the five-year term of this permit. The first sampling event shall occur in the second year of the permit term. The second sampling will be conducted in the last year of the permit term. Water samples shall be analyzed for the analytes designated in Part 1.G.1.f. Results from operational monitoring data shall be included in the permit renewal application every five years. Storm water ponds do not have to be sampled unless contaminated by wastewater spills or releases.

4. DMT Performance Monitoring

- a) Permittee shall verify the results of the discharge minimization designated for each facility component listed in Table 3 with an inspection and maintenance program. Documentation of compliance with this program shall be maintained on site for review by representatives of the Division for a period of 3 years.

H. REPORTING REQUIREMENTS

1. Reporting

Water quality sampling results shall be submitted semi-annually to the Director as follows:

<u>Quarter</u>		<u>Report Due On</u>
1 st and 2 nd	(January- June)	August 15
3 rd and 4 th	(July – December)	February 15

Unless a submittal date extension has been requested by Permittee and granted by the Division of Water Quality, failure to submit reports within the time frame due shall be deemed as noncompliance and may result in enforcement action.

2. Electronic Filing Requirements - The Permittee will submit the required ground water monitoring data in one of these electronic formats: adobe pdf, CD, or other approved transmittal mechanism.

I. DEMONSTRATION OF COMPLIANCE

1. Unit Processes with Best Management Practices

Permittee shall operate Facility wastewater treatment and storage components in accordance with the Best Management Practices Plan.

2. Out of Compliance Status for Ground Water Protection Levels

Out of compliance status exists when:

- a) Two or more consecutive samples from a compliance monitoring well exceed the protection level for a contaminant (Table 2) and demonstrate an increasing trend; Statistical significance methods are described in Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities, Vol. 53, No. 196 (Federal Register, Oct. 11, 1988)
- b) Upon Hunter Plant Environmental Staff's determination that an out of compliance situation exists, Permittee shall:
 - i) Notify the Director of the out of compliance status within 24 hours of the determination, followed by a written notice within 5 days of the determination.
 - ii) Initiate quarterly sampling unless the Director determines that other periodic sampling is appropriate until the facility monitoring point is brought into compliance.
 - iii) Following written notification by the Director, the Permittee shall prepare and submit within 30 days a plan and time schedule for assessment of the source, extent, and potential dispersion of the contamination. The assessment should include an evaluation of potential remedial action to restore and maintain ground water quality to insure that permit limits will not be exceeded at the compliance monitoring point.
 - iv) When it is infeasible to re-establish DMT as defined in the permit, the Permittee may propose an alternative DMT for approval by the Director.

J. COMPLIANCE SCHEDULE

1. Hydrogeologic Update Report - 180 days prior to permit expiration, the Permittee shall submit a revised hydrogeologic report that provides an updated evaluation and interpretation of the site hydrogeology and ground water quality using all available data since the permit issuance or previous permit renewal. The report will also evaluate the monitoring network and propose additional wells in any corrective action areas where data gaps exist. The report shall be included with the permit renewal application.

PART 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 R317-6-6.3.L, unless other test procedures have been specified in this permit.

C. PENALTIES FOR TAMPERING

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

D. REPORTING OF MONITORING RESULTS

Monitoring results obtained during each reporting period specified in the permit, shall be submitted to the Director, Utah Division of Water Quality at the following address no later than the 15th 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 Director at any time.

I. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING

1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (Monday through Friday 8:00 am - 5:00 pm Mountain Time).
2. A written submission shall also be provided to the Director within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. Reports shall be submitted to the addresses in Part 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 Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

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

PART III COMPLIANCE RESPONSIBILITIES

A. DUTY TO COMPLY

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

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

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

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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

D. DUTY TO MITIGATE

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

E. PROPER OPERATION AND MAINTENANCE

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

PART IV GENERAL REQUIREMENTS

A. PLANNED CHANGES

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.

B. ANTICIPATED NONCOMPLIANCE

The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.

E. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

F. OTHER INFORMATION

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

G. SIGNATORY REQUIREMENTS

All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:

- a. For a corporation: by a responsible corporate officer;
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and,
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to Authorization. If an authorization under Part IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

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

H. PENALTIES FOR FALSIFICATION OF REPORTS

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. AVAILABILITY OF REPORTS

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

J. PROPERTY RIGHTS

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

K. Severability

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

L. Transfers

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

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

M. State Laws

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

N. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R317-6-6.4.D.
2. If alternative compliance mechanisms are required.
3. If subsequent ground water monitoring data reveals the background water quality values in Part I Table 1 are not accurate.

