STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
SALT LAKE CITY, UTAH 84114-4870

GROUND WATER DISCHARGE PERMIT

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

Revolution Dairy
818 Bristlecone Lane
Delta, Utah 84624

is granted a ground water discharge permit for the operation of dairy facilities in Millard County approximately 6 miles southeast of Delta. The dairy is located in Section 13, T17 S, R6W, Salt Lake Base and Meridian. The runoff and waste ponds are located in the southwest quadrant of the dairy.

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 facilities described herein shall be operated in accordance with conditions set forth in the permit and the Utah Ground Water Quality Protection Regulations.

This permit shall become effective on May 29, 2015.

This permit and authorization to operate shall expire at midnight May 29, 2020.

Signed this 29 Day of May, 2015.

Walter L. Baker, P.E.
Director
Utah Division of Water Quality

TABLE OF CONTENTS

PART I. .....**CONSTRUCTION PERMIT FOR THE BLISS DAIRY**Near Delta, Utah PART II. SPECIFIC CONDITIONS 1
A. GROUND WATER CLASSIFICATION 2
B. BACKGROUND GROUND WATER QUALITY 2
C. GROUND WATER PROTECTION LEVELS 2
D. BEST AVAILABLE TECHNOLOGY AND PERFORMANCE STANDARD 2
E. COMPLIANCE MONITORING 10
F. NON-COMPLIANCE STATUS 12
G. REPORTING REQUIREMENTS 14
PART III. REPORTING REQUIREMENTS 16
A. REPRESENTATIVE SAMPLING 16
B. ANALYTICAL PROCEDURES 16
C. PENALTIES FOR TAMPERING 16
D. REPORTING OF MONITORING RESULTS 16
E. COMPLIANCE SCHEDULES 16
F. ADDITIONAL MONITORING BY THE PERMITTEE 16
G. RECORDS CONTENTS 16
H. RETENTION OF RECORDS 17
I. NOTICE OF NONCOMPLIANCE REPORTING 17
J. OTHER NONCOMPLIANCE REPORTING 17
K. INSPECTION AND ENTRY 17
PART IV. COMPLIANCE RESPONSIBILITIES 19
A. DUTY TO COMPLY 19
B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS 19
C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE 19
D. DUTY TO MITIGATE 19
E. PROPER OPERATION AND MAINTENANCE 19
PART V. GENERAL REQUIREMENTS 20
A. PLANNED CHANGES 20
B. ANTICIPATED NONCOMPLIANCE 20
C. PERMIT ACTIONS 20
D. DUTY TO REAPPLY 20
E. DUTY TO PROVIDE INFORMATION 20
F. OTHER INFORMATION 20
G. SIGNATORY REQUIREMENTS 20
H. PENALTIES FOR FALSIFICATION OF REPORTS 21
I. AVAILABILITY OF REPORTS 21
J. PROPERTY RIGHTS 21
K. SEVERABILITY 21
L. TRANSFERS 22
M. STATE LAWS 22
N. REOPENER PROVISIONS 22

PART I.

SPECIFIC CONDITIONS

A. GROUND WATER CLASSIFICATION

Based on ground water quality data collected from monitoring wells installed at the site the ground water beneath the dairy is Class II.

B. BACKGROUND GROUND WATER QUALITY

Background ground water quality data for total dissolved solids (TDS), chloride, and nitrate available from monitoring wells located near the wastewater lagoons show TDS concentrations that range from 2,300 to 3,000 milligrams per liter (mg/l) with a mean of 2,665 mg/l. Chloride concentrations range from 210 to 360 mg/l with a mean of 322 mg/l. Nitrate has been detected in one of the monitoring wells ranging from 4.0 mg/l to 7.2 mg/l with a mean of 6.0 mg/l.

C. GROUND WATER PROTECTION LEVELS

Based on ground water quality data submitted by the permitee from wells down-gradient of the wastewater lagoons, ground water protection levels have been established in accordance with UAC R317-6-4 for the parameters listed below in Table 1:

Table 1: Ground Water Protection Levels (all values in mg/l)

Parameter	Protection Level
Nitrate + Nitrite	8.0
Total Dissolved Solids	3,275
Chloride	393

The permitee shall operate the facility such that the ground water standards (UAC R317-6.2) and protection levels which have been developed for this permit are not exceeded at the designated compliance monitoring points. The 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 which could impair beneficial uses of the ground water, even though the permit does not require monitoring for them.

D. BEST AVAILABLE TECHNOLOGY AND PERFORMANCE STANDARD

1. Best Available Technology

The administration of this permit is founded on the use of best available technology, in accordance with the requirements of UAC R317-6-1.3. The construction permit, issued previously as Part I of the original September 27, 2002 permit, covers construction standards for permitted facilities at the dairy site.

Only wastes from the dairy operations may be disposed of in the ponds. Liquids and sludges from the ponds may only be land-applied at the appropriate agronomic rate and in accordance with the Comprehensive Nutrient Management Plan (CNMP).

2. Performance Standard for Best Available Technology

The performance standard for lagoon liners is based on liner construction with one foot of clay having hydraulic conductivity of 1×10^{-7} cm/sec. Compliance with the requirements for use of BAT will be demonstrated by maintaining the construction standards of the lagoon system according to the construction permit issued for their construction. BAT will also be demonstrated by maintaining a performing seepage rate at any point on the liner which is no greater than that provided by one foot of clay with permeability of 1×10^{-7} cm/sec. Performance of the construction technology will be evaluated for compliance by the monitoring required in Part I.E. The in-situ hydraulic conductivity of the lagoon liner will be verified with the approved construction quality assurance/quality control (QA/QC) plans prepared for their construction.

The liner integrity must be maintained and deterioration of materials or any other situation which prevents the liner from functioning according to the performance standard shall constitute non-compliance with this permit.

Land application of wastewater is planned as a routine method of wastewater disposal. The area of land application is currently limited to the acreage owned by the Permittee. If additional land area is needed, the Permittee must notify the Director and receive approval for land application to the additional area. Land application to any new areas must be done in accordance with the CMNP. Land application of lagoon effluent must be done at the agronomic rate. The Permittee must keep records of analyses of applied wastes and soils at application sites, type of crop grown, application rate calculations, and dates, times and rates of each application for all application sites, in order to demonstrate compliance with agronomic rate requirements. Wastes shall not be land applied to frozen or saturated ground or in situations which could result in surface runoff.

3. Closure Plan

At least 180 days prior to closure of any lagoon or lagoon system, the Permittee shall submit to the Director a site-specific closure plan for disposition of the liquids, solids and liner material of the lagoon(s) to be closed. The liner material will be tested according to an approved testing plan to determine an appropriate means of disposal which will not lead to ground water contamination. The monitoring wells will continue to be sampled for a post closure monitoring period as determined by the Director.

E. COMPLIANCE MONITORING

The permittee is required to monitor ground water quality according to the provisions below which is based on compounds which may be discharged to ground water from the permitted facilities.

1. Compliance Monitoring Wells

The network of monitoring wells shall provide the ability to detect contamination in the uppermost ground water from this permitted facility. Under the provisions of this permit, ground water contamination in the shallow aquifer would be a reason for the Permittee to take remedial action before deeper aquifers are affected.

2. Monitoring Period

For the entire term of the permit renewal, the permittee shall monitor each of the ground water wells for parameters as specified below in Part I.E.4.

3. Protection Levels

a. Application

The protection levels have been calculated using the Ground Water Quality Protection Regulations (UAC R317-6) and background water quality data from on site down-gradient monitoring wells. Protection levels shall be enforced at down-gradient wells.

b. Exceedance in Up-gradient Well

If the protection levels to be developed for this permit are exceeded in any up-gradient well, the permittee shall report the exceedance in the next regular monitoring report, and evaluate whether the exceedance is caused by the facility (in which case the well no longer indicates background water quality) or by another source.

4. Monitoring Procedures

a. Frequency

The following monitoring requirements apply to all up-gradient and down-gradient wells. Compliance monitoring shall be conducted by the permittee semi-annually.

b. Depth to Ground Water

Depth to ground water must be measured to the nearest 0.01 foot, below the top of the well casing. A report must be on file with the Division of Water Quality stating the elevation of the measuring point at the top of the well casing in feet above mean sea level to the nearest 0.01 foot, for each monitoring well.

c. Ground Water Elevation

Ground water elevation shall be calculated by subtracting the depth to ground water measurement from the elevation of the top of the well casing and reported in feet above mean sea level to the nearest 0.01 foot. Ground water elevations shall be measured semi-annually at all monitoring wells at the dairy covered under this permit.

d. Laboratory Approval

All water analyses shall be performed by a laboratory certified by the State of Utah in accordance with the approved monitoring plan and the provisions of UAC R317-6-6.3A(13).

e. Damage to Monitoring Wells

If a monitoring well is damaged or is otherwise rendered inadequate for its intended purpose or if a previously established hydraulic gradient changes significantly, the Director shall be notified in writing within five days of the permittee becoming aware of the condition.

f. Semi-Annual Compliance Monitoring

Items one and two are to be monitored semi-annually for the term of this permit in all monitoring wells at the dairy covered under this permit.

1) Field Parameters: temperature, specific conductance, pH, ground water elevation.

2) Laboratory Parameters: Nitrate + Nitrite, Ammonia, Bicarbonate, Chloride, Total Dissolved Solids.

5. Analysis of Monitoring Data

If the Director or permittee determine that hydrogeologic conditions at the dairy site do not permit a direct comparison of up-gradient and down-gradient ground water quality, within six months of this determination the permittee shall propose a statistical method for evaluating ground water monitoring data and determination of noncompliance status.

6. Future Modification of Monitoring Well Network

If at any time the Director determines the monitoring well network to be inadequate due to a change in gradient or for any other reason, the permittee shall submit within 30 days of receipt of notification a plan and compliance schedule to modify the monitoring well network.

F. NON-COMPLIANCE STATUS

1. Probable Non-compliance Status:

Exists if the results of the semi-annual ground water quality monitoring indicate that the protection levels developed for this permit have been exceeded in any down-gradient well. In this case the permittee shall resample all monitoring wells at the site where the probable noncompliance has occurred, submit the analytical results thereof, and notify the Director of the probable noncompliance status within 30 days of the initial detection.

2. Out-of-Compliance Status
Exists when the value for any one ground water pollutant exceeds both the protection levels and the background mean concentration plus two standard deviations in two consecutive sampling events from a compliance monitoring point. Out of compliance status for exceedance of bicarbonate and chloride occurs only when their respective protection limits are exceeded and the compliance limit for total dissolved solids is also exceeded.

a. Notification and Accelerated Monitoring

Upon determination by the permittee, in accordance with UAC R317-6-6.17 that an out-of-compliance exists, the permittee shall:

1) Verbally notify the Director of the out-of-compliance within 24 hours, and provide written notice within 5 days of the detection, and

2) Immediately implement an accelerated schedule of monthly ground water monitoring for all wells at the dairy where the

exceedance occurred, which shall continue for at least two months or until the facility is brought into compliance.

b. Source and Contamination Assessment Study Plan

Within 30 days of the verbal notice to the Director (Part I F.2.a.1), 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, if the contamination is caused by facilities or activities for which the permittee is responsible.

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 down-gradient compliance monitoring wells.

3. Failure to Maintain Best Available Technology Required by Permit

A facility will be determined to be in an out-of-compliance status if best available technology has failed or cannot be maintained according to the provisions required by this permit, unless:

1) The permittee has notified according to Part I.F.2, and

2) The failure was not intentional or was not caused by the permittee's negligence, either in action or failure to act, and

3) The permittee has taken adequate remedial measures in a timely manner or has developed an approvable remedial action plan and implementation schedule for restoration of best available control technology, an equivalent control technology, or closure of the facility (implementation of an equivalent technology will require permit modification and re-issuance), and

4) The permittee has demonstrated that any discharge of a pollutant from the facility is not in violation of the provisions of UCA 19-5-107.

4. Additional Notification

In the event of out-of-compliance status due to either an exceedance of ground water protection levels or a failure of Best Available Technology, the permittee shall notify the Central Utah District Health Department within 24 hours or the first working day following a spill.

5. Contingency Plan for Exceedance of Protection Levels

If, after review of ground water monitoring data and other relevant information, the Director determines that use of any lagoon or waste handling system has caused an exceedance of ground water protection levels at any compliance monitoring point, the permittee shall conduct a Contamination Investigation. The investigation will determine the extent and severity of contamination caused by the lagoon or any waste handling system. The report from the investigation must be submitted for review by the Division of Water Quality within 45 days of determination of out-of-compliance status. After review of this report the Director may require the permittee to develop a Corrective Action Plan to remediate the contamination. Actions taken under the plan may include emptying liquids and sludge from the leaking lagoon into any of the permittee's other permitted and functioning lagoons, repairing or reconstructing the lagoon liner as needed, constructing temporary holding ponds lined with flexible membrane liners, containing liquid waste release, and developing wells for the purpose of extracting the contaminated ground water. Contaminated ground water may be stored in the lagoons or land applied if possible.

6. Contingency Plan for Failure of Best Available Technology

In the event of BAT failure for any of the ponds, the contents of the ponds will be drawn down by application to cropland via an irrigation pump and system. The system would then be operated by isolating the faulty structure from the system and incorporating extreme water conservation techniques to allow time for regaining integrity.

G. REPORTING REQUIREMENTS

1. Semi-Annual Ground Water Monitoring Schedule

Monitoring required in Part I.E.4 (above) shall be reported according to the Compliance Monitoring Reporting Schedule of Table 2 (below), unless modified by the Director.

TABLE 2: Compliance Monitoring Reporting Schedule

Monitoring Period	**Report Due Date**
January thru June	August 1
July thru December	February 1

2. Ground Water Quality Sampling Report

Each semi-annual monitoring report shall include the following information:

a) Field data sheets, or copies thereof, including the field parameters required in Part I.E.4 (f), above, and other pertinent field data, such as well name/number, date and time, names of sampling crew, depth to ground water, type of sampling pump or bailer, measured casing

volume, volume of water purged before sampling and any information required to be reported under the approved land application plan.

b) Ground water elevations in all monitoring wells, and potentiometric contours derived from them, plotted on a map of the site.

c) Results of ground water analysis, including date sampled, date received and the results of analysis for each parameter, including: value or concentration, units of measurement, method detection limit for the examination, analytical method and the date of analysis. The analytical methods and the method detection limits for every parameter specified in this permit in Part I.E.4 must conform to those in the Water Quality Sampling, Handling and Analysis Plan previously approved.

3. Noncompliance or Probable Noncompliance

Reporting requirements for noncompliance or probable noncompliance status shall be according to the provisions of Part I.F.

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 Director. The data may be sent by e-mail, CD, or other approved transmittal mechanism.

PART II. 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 R317-6-6.3L, 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 semi-annual 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:

Attention: Ground Water Protection Program
State of Utah
Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870

The due dates for reporting are defined in Part I.G of this permit.

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 at a compliance monitoring point 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.

1. Records of monitoring information shall include:

   a) The date, exact place, and time of sampling or measurements:

   b) The individual(s) who performed the sampling or measurements;

   c) The date(s) and time(s) analyses were performed;

   d) The name of the certified laboratory which performed the analyses;

e) The analytical techniques or methods used; and,

f) 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 five 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. 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) 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 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 5 days, 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 which 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 is anticipated 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 new permit. 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 PROVISIONS. 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 R317-6.4(D)

2. Changes have been determined in background ground water quality.