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

GROUND WATER DISCHARGE PERMIT
Permit No. UGW490005

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

Elberta Valley Ag
16240 South 12800 West
Elberta, Utah  84626

herein after referred to as Permittee, is granted a ground water discharge permit for the operation of the dairy. The dairy is located on a tract of land encompassed in Section 20, Township 10 South, Range 1 West, Salt Lake Base and Meridian, Utah County, Utah. (Latitude: 39.93743, Longitude: 111.96433).

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 (R317-6).

This Ground Water Quality Discharge Permit for the Elberta Valley Ag supersedes all other Ground Water Discharge Permits previously issued for this facility.

This permit shall become effective on August 26, 2010.

This permit and the authorization to operate shall expire at midnight, August 25, 2015.

Signed this 26th day of August, 2010.

_______________________________________________
Walter L. Baker, P.E.
Executive Secretary
Utah Water Quality Board
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   -Appendix A: Comprehensive Nutrient Management Plan June 2010
   -Appendix B: Sampling and Analysis Plan August 2010
I SPECIFIC PERMIT CONDITIONS

A. Ground Water Classification and Protection Levels

The Permittee shall operate the facility such that the ground water quality standards (UAC R317-6-2) and ground water protection levels in Table 1 that were developed for this permit are not exceeded in the unconfined aquifer underlying the dairy, farming operations, or other aquifers that may be impacted by facility operations. 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 that could impair beneficial uses of the ground water.

Results of the well sampling program indicate that ground water under the dairy is Class III Limited Use Ground Water. This determination may be changed if subsequent compliance monitoring indicates background ground water quality has changed at the dairy site. Past operations of the existing dairy appear to have affected ground water quality in the unconfined aquifer at the site based on high levels of nitrate, chlorides, and total dissolved solids (TDS) detected in the dairy monitoring wells.

Ground water protection levels have been established for each well utilizing the provisions outlined in UAC R317-6-4 for the following parameters: ammonia as N, bicarbonate, chloride, nitrate + nitrite as N, sulfate and total dissolved solids. No degradation of ground water greater than existing levels found in MW-2 will be allowed.

Ground water protection levels and compliance limits are listed in Table 1.
<table>
<thead>
<tr>
<th>Parameter</th>
<th>MDL</th>
<th>Mean</th>
<th>SD</th>
<th>Mean+(2 x SD)</th>
<th>GWQS</th>
<th>Protection Level</th>
<th>Compliance Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH</td>
<td>7.2</td>
<td>7.31</td>
<td>6.5 - 8.5</td>
<td>6.5 - 8.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nitrate + Nitrite as N</td>
<td>0.1</td>
<td>27</td>
<td>30</td>
<td>10</td>
<td>33</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Ammonia as N</td>
<td>0.1</td>
<td>nd</td>
<td>30</td>
<td>7.5</td>
<td>7.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bicarbonate</td>
<td>10</td>
<td>106</td>
<td>9</td>
<td>124</td>
<td>132</td>
<td>124</td>
<td></td>
</tr>
<tr>
<td>Sulfate</td>
<td>5</td>
<td>300</td>
<td>29</td>
<td>359</td>
<td>250</td>
<td>375</td>
<td></td>
</tr>
<tr>
<td>Chloride</td>
<td>1</td>
<td>259</td>
<td>13</td>
<td>284</td>
<td>323</td>
<td>284</td>
<td></td>
</tr>
<tr>
<td>Total Dissolved Solids</td>
<td>10</td>
<td>1200</td>
<td>101</td>
<td>1400</td>
<td>1500</td>
<td>1400</td>
<td></td>
</tr>
</tbody>
</table>

**MW #2**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>MDL</th>
<th>Mean</th>
<th>SD</th>
<th>Mean+(2 x SD)</th>
<th>GWQS</th>
<th>Protection Level</th>
<th>Compliance Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH</td>
<td>7.22</td>
<td>7.22</td>
<td>6.5 - 8.5</td>
<td>6.5 - 8.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nitrate + Nitrite as N</td>
<td>0.1</td>
<td>244</td>
<td>383</td>
<td>10</td>
<td>300 (1)</td>
<td>300 (1)</td>
<td></td>
</tr>
<tr>
<td>Ammonia as N</td>
<td>0.1</td>
<td>0.07</td>
<td>0.1</td>
<td>0.1</td>
<td>30</td>
<td>7.5</td>
<td>7.5</td>
</tr>
<tr>
<td>Bicarbonate</td>
<td>10</td>
<td>74</td>
<td>94</td>
<td>114</td>
<td>94</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sulfate</td>
<td>5</td>
<td>806</td>
<td>1018</td>
<td>250 (2)</td>
<td>250</td>
<td>1018</td>
<td></td>
</tr>
<tr>
<td>Chloride</td>
<td>1</td>
<td>1375</td>
<td>1594</td>
<td>1900 (1)</td>
<td>1610</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Dissolved Solids</td>
<td>10</td>
<td>5613</td>
<td>6756</td>
<td>6900 (1)</td>
<td>6756</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**MW #3**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>MDL</th>
<th>Mean</th>
<th>SD</th>
<th>Mean+(2 x SD)</th>
<th>GWQS</th>
<th>Protection Level</th>
<th>Compliance Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH</td>
<td>7.2</td>
<td>7.2</td>
<td>6.5 - 8.5</td>
<td>6.5 - 8.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nitrate + Nitrite as N</td>
<td>0.1</td>
<td>145</td>
<td>173</td>
<td>10</td>
<td>173 (1)</td>
<td>173 (1)</td>
<td></td>
</tr>
<tr>
<td>Ammonia as N</td>
<td>0.1</td>
<td>0.09</td>
<td>0.14</td>
<td>30</td>
<td>7.5</td>
<td>7.5</td>
<td></td>
</tr>
<tr>
<td>Bicarbonate</td>
<td>10</td>
<td>107</td>
<td>141</td>
<td>136</td>
<td>141</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sulfate</td>
<td>5</td>
<td>293</td>
<td>370</td>
<td>250 (2)</td>
<td>250</td>
<td>370</td>
<td></td>
</tr>
<tr>
<td>Chloride</td>
<td>1</td>
<td>650</td>
<td>761</td>
<td>990</td>
<td>761</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Dissolved Solids</td>
<td>10</td>
<td>2750</td>
<td>3178</td>
<td>3000</td>
<td>3000</td>
<td>3178</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- Units: milligrams per liter (mg/L) unless otherwise noted. No units for pH
- MDL: method detection limit
- nd: non-detect
- GWQS: Ground Water Quality Standards
- Class III Protection Levels for TDS are based on the greater of 1.25 x measured background concentration, contaminants are 1.5 x mean concentration, or 0.5 x the ground water standard for non-detects
- Compliance Limits are calculated from the mean of measured concentrations + 2 standard deviations
- (1) Based on maximum measured values. No further degradation of the aquifer is allowed.
- (2) Secondary Drinking Water Standard
B. Permitted Facilities

The facilities authorized under this permit are listed in Table 2. These facilities constitute those, not permitted by rule, where there is potential for discharge of contaminants to ground water.

<table>
<thead>
<tr>
<th>Facility</th>
<th>Control Technology</th>
<th>Depth</th>
<th>Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treatment Pond Cell 1</td>
<td>Polymer liner</td>
<td>26 feet</td>
<td>21.98 M gal</td>
</tr>
<tr>
<td>Treatment Pond Cell 2</td>
<td>Polymer liner</td>
<td>26 feet</td>
<td>19.00 M gal</td>
</tr>
<tr>
<td>Treatment Pond Cell 3</td>
<td>Polymer liner</td>
<td>26 feet</td>
<td>14.65 M gal</td>
</tr>
<tr>
<td>Treatment Pond Cell 4</td>
<td>Polymer liner</td>
<td>26 feet</td>
<td>13.08 M Gal</td>
</tr>
<tr>
<td>Treatment Pond Cell 5</td>
<td>Polymer liner</td>
<td>26 feet</td>
<td>7.38 M gal</td>
</tr>
<tr>
<td>Other dairy wastewater</td>
<td>Vinyl liner</td>
<td>8 feet</td>
<td>3.9 M gal</td>
</tr>
</tbody>
</table>

C. Best Available Technology Performance Standards

The administration of this permit is founded on the use of Best Available Technology (BAT), in accordance with the requirements of UAC R317-6-1.3. The construction permit issued in July 2005 describes construction standards for wastewater treatment ponds at the dairy site. Compliance with the requirements for use of BAT will be demonstrated by construction, operation and maintenance of the manure handling system according to the construction permit previously issued.

Achievement of these performance standards will be demonstrated by:

1) Only wastes from the dairy operations may be disposed of in the ponds.

2) No ground water degradation beyond permit limits established in Table 1 as measured by compliance monitoring wells.

D. Best Available Technology Requirement for 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 Executive Secretary 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 Executive Secretary approval, a Construction Permit may be issued, and this Permit may be re-opened and modified to include any necessary requirements.

E. Best Management Practices

1. Wastewater and sludge from the treatment ponds may only be land-applied at the appropriate agronomic rate and in accordance with the approved *Comprehensive Nutrient Management Plan* (Appendix A). This plan was developed to minimize impact to ground water from farm operations by applying wastewater at the agronomic uptake rate of crops. For purposes of this permit, the agronomic uptake rate is defined as the rate where all available nitrogen is taken up by crops or other plants before it can leach below the root zone, and where other waste constituents are applied at rates that do not cause ground or surface water pollution or plant toxicity incompatible with the intended use of the land. 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 that could result in surface runoff.

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 Executive Secretary and receive approval for land application on the additional area.

2. Permittee shall operate all dairy wastewater treatment pond cells according to the Owner and Operations Manual. Implementation of the Manual will ensure proper handling of dairy wastewater, prompt clean up of any releases, and an ongoing operation, inspection, and maintenance program for facilities included in this permit.

3. Closure Plan

At least 180 days prior to closure of any treatment pond, the Permittee shall submit to the Executive Secretary a site-specific closure and post-closure management plan for disposition of the liquids, solids and liner material of the treatment pond(s) to be closed. The liner material will be tested according to an approved testing plan to determine an appropriate means of disposal that 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 Executive Secretary.

F. Compliance Monitoring


a) Future Modification of the Monitoring Program - If at any time the Executive Secretary determines the monitoring program to be inadequate, Permittee shall submit within 30 days of receipt of written notice from the Executive Secretary a modified monitoring plan that addresses the inadequacies noted by the Executive Secretary.

b) Compliance Monitoring Period - Monitoring shall continue upon issuance of this permit and throughout 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.

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 casing. These measurements will be made from a surveyed permanent single reference point clearly marked on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot.

e) Sampling Protocol - Water quality samples will be collected, handled and analyzed in conformance with the current approved version of the Sampling and Analysis Plan (Appendix B). The results of ground water monitoring shall be reported in accordance with the schedule in Part I Section H.

f) Ground Water Analyses - The following analysis shall be performed on all water samples collected from monitoring wells:

i) Field Measurements: pH, specific conductance, water level, temperature
ii) Laboratory Analysis:

- Ammonia as nitrogen, bicarbonate, calcium, chloride, magnesium, nitrate + nitrite as nitrogen, potassium, sodium, and sulfate.

- Total Dissolved Solids (TDS)

g) Wastewater Analyses - The following analyses shall be performed on a wastewater sample from a representative treatment pond:

i) Field Measurements: pH, specific conductance, temperature

ii) Laboratory Analysis:

- Nitrate + nitrite as nitrogen, ammonia as nitrogen, total Kjeldahl nitrogen (TKN), sulfate, chloride, total dissolved solids (TDS), sodium, potassium, calcium, magnesium, bicarbonate, carbonate, and phosphorus.

h) Monitoring Frequency

Monitoring wells shall be sampled semi-annually for compliance monitoring.

After installation, any new compliance monitoring well that may be required by the Division of Water Quality will be sampled every other month until a minimum of eight (8) events have been completed to establish baseline ground water quality.

Treatment Ponds shall be sampled annually. Sample collection, handling, and analysis shall be conducted in accordance with the most recently revised and approved version of the Elberta Valley Ag Sampling and Analysis Plan. Analyses for nitrogen species shall be conducted at the same laboratory. Results of the treatment pond wastewater performance monitoring accompanied by any supporting raw data shall be submitted to the Division of Water Quality with the next Ground Water Quality Monitoring Report.

3. Damage to Monitoring Wells

If a monitoring well is damaged, is otherwise rendered inadequate for its intended purpose, or if a previous hydraulic gradient between two monitor wells is reversed, the Executive Secretary shall be notified in writing within five days of the Permittee becoming aware of the condition.
4. BAT Performance Monitoring

Permittee shall verify the results of the BAT designated for each facility component listed in Table 2 with an inspection and maintenance program. Documentation of compliance with this program shall be maintained on site for review by representatives of the Division.

G. Demonstration of Compliance

1. Unit Processes with Best Management Practices

Permittee shall operate the treatment ponds in accordance with the Best Management Practices specified in Appendix C Owner and Operations Manual.

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 both the protection level and compliance limit for a pollutant (Table 1); or

b) The concentration of any pollutant in two or more consecutive samples is statistically significantly higher than the applicable protection level. Statistical significance can be determined using methods described in Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities, Vol. 53, No.196 (Federal Register, Oct. 11, 1988)

c) Upon determining that an out of compliance situation exists, Permittee shall:

i) Notify the Executive Secretary of the out of compliance status within 24 hours of detection followed by a written notice within 5 days of the detection.

ii) Initiate quarterly sampling until the facility monitoring point is brought into compliance unless the Executive Secretary determines that other periodic sampling is appropriate.

iii) The Permittee shall prepare and submit within 30 days to the Executive Secretary a plan and a time schedule for
assessment of the sources, extent and potential dispersion of the contamination, and 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 and that BAT will be reestablished. After review of this report the Executive Secretary 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 treatment pond into any of the Permittee’s other permitted and functioning treatment ponds, repairing or reconstructing the treatment pond liner as needed, constructing temporary holding ponds lined with flexible membrane liners and containing liquid waste release, and developing wells for the purpose of extracting the contaminated ground water. Contaminated ground water may be stored in the treatment ponds or land applied according to approved CNMP.

iv) Where it is infeasible to re-establish BAT as defined in the permit, the Permittee may propose an alternative BAT for approval by the Executive Secretary.

H. Reporting Requirements

1. Reporting
Water quality compliance monitoring results shall be submitted to the Executive Secretary as follows:

<table>
<thead>
<tr>
<th>Monitoring Periods</th>
<th>Report Due Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>January - June</td>
<td>August 1</td>
</tr>
<tr>
<td>July - December</td>
<td>February 1</td>
</tr>
</tbody>
</table>

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. Water Quality Compliance Monitoring Report Contents

Regular semi-annual monitoring reports shall include the following information:

a) Field data sheets, or copies thereof, including the field parameters required in Part I.F.1.f, 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.

b) Ground water elevations in all monitoring wells.

c) Results from the inspection and sampling of the treatment pond system and operation of the dairy, as described in Appendix C.

3. Electronic Filing Requirements - In addition to submittal of the hard copy data, upon the request of the Executive Secretary the Permittee will submit the required ground water monitoring data in the electronic format to be specified. The data may be sent by e-mail, Adobe .pdf file, CD, or other approved transmittal mechanism.

I. Compliance Schedule

1. Submittal of Sampling and Analysis Plan

Within 60 days of receiving a ground water discharge permit, the Permittee will provide the Executive Secretary with a Sampling and Analysis Plan. After approval by the Executive Secretary, this plan will become an enforceable Appendix B of the permit. The plan shall be revised, if necessary, following the ground water quality characterization required in Compliance Schedule Item #3 below.

2. Installation of Additional Monitoring Well

A new monitoring well completed in the uppermost aquifer shall be installed if required by DWQ for aquifer protection. The well shall be in a location downgradient of the treatment cells, generally east of MW-1. The final location shall be agreed upon by Elberta Valley Ag and DWQ. An accelerated monitoring schedule for the new well will be required. Protection and Compliance Levels for this well will be calculated following accelerated monitoring.

3. Accelerated Background Monitoring

The Permittee shall conduct accelerated ground water monitoring to establish ground water protection levels for the new compliance monitoring well. Ground water quality samples will be collected and analyzed in accordance with the following requirements:

a. Ground water samples will be collected every other month according to the requirements of Part I.F above and the approved Sampling and Analysis Plan, until a total of eight (8) samples events have been
completed.

b. After eight (8) sample events have been completed, the Permittee will submit an Accelerated Background Monitoring Report with all field data sheets, laboratory analytical reports, and the following statistical calculations presented in spreadsheet format for each compliance parameter in Table 1 above.

1) Non-detect values converted to the detection limit times 0.5
2) Mean concentration
3) Standard deviation
4) Mean concentration plus 2 standard deviations
5) Mean TDS concentration times 1.25
6) Mean concentration of all other parameters times 1.5
7) Ground water quality standard times 0.5

After review and approval of the Accelerated Background Monitoring Report, the Executive Secretary will establish well-specific ground water protection parameters for each parameter in accordance with R317-6-4 of the Ground Water Quality Protection Rules.

c. After the Executive Secretary has re-opened the permit and established well-specific ground water protection levels for the new well, sampling will be relaxed to the semi-annual compliance monitoring frequency in Part I.F above.
II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling. Measurements and 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 R317-6-6.12, 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 for each monitoring period specified in the permit, shall be submitted to the Executive Secretary, Utah Division of Water Quality at the following address no later than 45 days after the end of the monitoring period:

State of Utah  
Division of Water Quality  
Department of Environmental Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
Attention: Ground Water Protection Program  
electronic address: rherbert@utah.gov

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
Part II
Permit No. UGW490005

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 and Spill 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 twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 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, Mon - Thurs).

2. A written submission shall also 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.

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 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 re-issuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Executive Secretary 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.
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. 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 re-issuance, 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 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.

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

G. 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 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 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."

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 Executive Secretary. 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 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 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 alternate compliance mechanisms are required.
   3. If water quality of the facility is significantly worse than represented in the original permit application.