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

Kennecott Utah Copper LLC
1200 WEST 2100 South
P.O. Box 6001
Magna, Utah 84049

is granted a ground water discharge permit for the operation of the Copperton Concentrator in Salt Lake County, Utah.

All facilities for the Copperton Concentrator are located on the following tract of land Township 3 South, Range 2 West, SLBM. Locations of the components of the concentrator are summarized below:

<table>
<thead>
<tr>
<th>Facility</th>
<th>1/4, 1/4 Section</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coarse Ore Stockpile</td>
<td>NE, SE 6</td>
<td>40° 35’ 4.36” N</td>
<td>112° 6’ 7.58” W</td>
</tr>
<tr>
<td>Grinding Plant</td>
<td>SW, SW 5</td>
<td>40° 35’ 2.67” N</td>
<td>112° 6’ 0.18” W</td>
</tr>
<tr>
<td>Flotation Plant</td>
<td>SW, SW 5</td>
<td>40° 35’ 1.77” N</td>
<td>112° 5’ 57.18” W</td>
</tr>
<tr>
<td>Molybdenite Plant</td>
<td>SW, SW 5</td>
<td>40° 35’ 0.92” N</td>
<td>112° 5’ 54.2” W</td>
</tr>
<tr>
<td>Salt Stockpile</td>
<td>NW, SW 5</td>
<td>40° 35’ 8.18” N</td>
<td>112° 5’ 59.1” W</td>
</tr>
<tr>
<td>Process Water Res.</td>
<td>SW, SE 6</td>
<td>40° 35’ 58.2” N</td>
<td>112° 6’ 28.0” W</td>
</tr>
<tr>
<td>Retention Pond 1</td>
<td>SW, SW 5</td>
<td>40° 34’ 52.1” N</td>
<td>112° 5’ 59.24” W</td>
</tr>
<tr>
<td>Retention Pond 2</td>
<td>SW, SW 5</td>
<td>40° 34’ 55.94” N</td>
<td>112° 5’ 42.43” W</td>
</tr>
<tr>
<td>Retention Pond 3</td>
<td>NW, SE 5</td>
<td>40° 35’ 10.44” N</td>
<td>112° 5’ 30.6” W</td>
</tr>
<tr>
<td>Retention Pond 4</td>
<td>NW, SE 5</td>
<td>40° 35’ 5.11” N</td>
<td>112° 5’ 19.27” W</td>
</tr>
<tr>
<td>Tailings Thickener 1</td>
<td>NE, SW 5</td>
<td>40° 35’ 4.95” N</td>
<td>112° 5’ 44.83” W</td>
</tr>
<tr>
<td>Tailings Thickener 2</td>
<td>NE, SW 5</td>
<td>40° 35’ 6.08” N</td>
<td>112° 5’ 37.95” W</td>
</tr>
</tbody>
</table>
The permit is based on representations made by the permittee and other information contained in the administrative record. It is the responsibility of the permittee to read and understand all provisions of this permit.

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

This permit shall become effective on February 26, 2009.

This permit and the authorization to operate shall expire at midnight February 25, 2014.

Signed this 26th day of February, 2009.

_______________________________________________
Walter L. Baker, P.E.
Executive Secretary
Utah Water Quality Board
I. SPECIFIC PERMIT CONDITIONS

A. Ground Water Classification

The ground water for the uppermost aquifer in the area of the Copperton Concentrator has not been classified but is likely Class II based on observation and drinking water wells in the area.

B. Ground Water Protection Levels

Ground Water Protection Levels for compliance monitoring well W31, COG1149A, and COG1149B are represented in Table 1. Compliance and protection levels were based on 12 monthly samples and the samples obtained in 1996 and 1997. Protection levels have been set using the requirements for Class II ground water given in R 317-6-4.5.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Ground Water Quality Standard</th>
<th>Monitoring Well W31</th>
<th>Monitoring Well COG1149A</th>
<th>Monitoring Well COG1149B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Protection Level</td>
<td>Compliance Limit</td>
<td>Protection Level</td>
</tr>
<tr>
<td>pH</td>
<td>6.5-8.5</td>
<td>6.5-8.5</td>
<td>6.5-8.5</td>
<td>6.5-8.5</td>
</tr>
<tr>
<td>TDS</td>
<td>n/a</td>
<td>707</td>
<td>664</td>
<td>1,128</td>
</tr>
<tr>
<td>Sulfate</td>
<td>n/a</td>
<td>38</td>
<td>50</td>
<td>28</td>
</tr>
<tr>
<td>Arsenic</td>
<td>0.05</td>
<td>0.0125</td>
<td>0.0113</td>
<td>0.0125</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.005</td>
<td>0.0022</td>
<td>0.0073</td>
<td>0.0013</td>
</tr>
<tr>
<td>Copper</td>
<td>1.3</td>
<td>0.3250</td>
<td>0.0284</td>
<td>0.3250</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.05</td>
<td>0.0125</td>
<td>0.0060</td>
<td>0.0125</td>
</tr>
<tr>
<td>Zinc</td>
<td>5</td>
<td>1.25</td>
<td>0.3968</td>
<td>1.25</td>
</tr>
</tbody>
</table>

1. Monitoring well results were non-detect for these constituents and therefore no compliance limit can be calculated. The protection level for these constituents is based on 0.25 time the ground water quality standard.

C. Best Available Technology Performance Standard

The enforceable performance standard for this permit to achieve protection of ground water quality will be discharge minimization of process fluids to ground water from the permitted facilities listed in Table 2. The permittee is responsible for implementing and maintaining the best available technology noted in Table 2 to minimize discharge of process fluids from the permitted facilities to ground water. Maintenance of this performance standard will be demonstrated by:
1. Adherence to the performance criteria in Table 2.

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

3. Implementation of the Best Management Practices Plan (Appendix A) to ensure prompt clean up of any spills and proper handling of process waters as well as an ongoing inspection and maintenance program for facilities included in this permit.

4. **Closure** - The Copperton Concentrator shall undergo closure in accordance with the closure plan submitted in section 6 of the permit application. This plan will be updated every 5 years as needed prior to permit renewal.

D. 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 release of fluids to ground water. The facilities on Table 3 under the "Permit By Rule" heading are for unit processes not specifically addressed by this permit. However, no discharge of pollutants from these sites to ground water is allowed.

### TABLE 2

**Permitted Facilities**

<table>
<thead>
<tr>
<th>Facility</th>
<th>Fluids Handled</th>
<th>Method of Containment</th>
<th>Operation and Maintenance</th>
<th>Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Process Water Reservoir</td>
<td>Process Water</td>
<td>Double-Lined reservoir; Clay and 36-mil chlorinated polyethylene with leak detection sump</td>
<td>Monthly inspections of entire reservoir; check for seeps, cracks in liner, degree of siltation, debris and leak detection sump level (see note)</td>
<td>Allowable leakage rate of 3 gpm into sump; no visible damage to liner; debris vegetation and siltation amount acceptable (Appendix A).</td>
</tr>
<tr>
<td>Retention Ponds (I-IV)</td>
<td>Storm Water/ System upsets</td>
<td>Clay lined basins</td>
<td>Yearly inspection</td>
<td>Acceptable siltation and water volume (Appendix A); inlet and outlets not obstructed.</td>
</tr>
<tr>
<td>Facility</td>
<td>Fluids Handled</td>
<td>Method of Containment</td>
<td>Operation and Maintenance</td>
<td>Performance Criteria</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------------------------------------</td>
<td>------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tailings Thickener</td>
<td>Process Water/Tailings</td>
<td>Concrete Basin set on clay base. Under-drain system to capture leaks</td>
<td>Monthly inspections for structural integrity and checks of under drain system</td>
<td>Allowable leakage rate of 1 gph; no visible damage</td>
</tr>
<tr>
<td>Copper Thickener</td>
<td>Process Water/Concentrate</td>
<td>Concrete Basin set on clay base. Under drain to capture leaks</td>
<td>Monthly inspections for structural integrity and checks of under drain system</td>
<td>Allowable leakage rate of 1 gph; no visible damage</td>
</tr>
<tr>
<td>Copper/Molybdenite</td>
<td>Process water/Concentrate</td>
<td>Concrete Basin set on clay base.</td>
<td>Monthly inspection for cracks in concrete basin walls or settling of ground adjacent to the thickeners.</td>
<td>No visible damage to concrete walls or settling of ground adjacent to thickeners. No detectable leakage.</td>
</tr>
<tr>
<td>Clarifier</td>
<td>Process water/concentrate</td>
<td>Concrete Basin set on clay base.</td>
<td>Monthly inspection for cracks in concrete basin walls or settling of ground adjacent to the clarifier.</td>
<td>No visible damage to concrete walls or settling of ground adjacent to clarifier. No detectable leakage.</td>
</tr>
<tr>
<td>Thickener Overflow Pump Station</td>
<td>Process Water</td>
<td>Concrete Basin</td>
<td>Monthly inspection for cracks in concrete basin walls or settling of ground adjacent to the pump station.</td>
<td>No visible damage to concrete walls or settling of ground adjacent to pump station. No detectable leakage.</td>
</tr>
<tr>
<td>Salt Stockpile</td>
<td>runoff from salt pile</td>
<td>Concrete Pad</td>
<td>Quarterly inspection</td>
<td>No seepage of leachate from the concrete pad</td>
</tr>
<tr>
<td>Grinding/Flotation and Molybdenite Plants</td>
<td>Process Water</td>
<td>Concrete floor; spill collection trenches and sumps</td>
<td>Daily inspection</td>
<td>No ponded process water</td>
</tr>
</tbody>
</table>

Note: Sediment and vegetation that accumulates at and above the upper operating limit of the process water reservoir will be removed from the liner as required but at least annually. Sediment that accumulates in the reservoir below the upper operating limit will be removed as warranted based upon period inspection.
TABLE 3
Facilities Permitted by Rule

<table>
<thead>
<tr>
<th>Component</th>
<th>Fluids Handled</th>
<th>Method of Containment</th>
<th>Regulatory Status</th>
<th>Operation and Maintenance Schedule</th>
<th>Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tailings Line</td>
<td>Tailings slurry, process water, mine-impacted waters and treatment concentrate</td>
<td>Steel or Concrete Pipeline</td>
<td>Above Ground Pipeline</td>
<td>Daily Inspections and adherence to the spill response and reporting procedures in Appendix B and the SPCC Plan (see footnote below).</td>
<td>Remove structure, recontour and revegetate if no post-mining use</td>
</tr>
<tr>
<td>Surface Storage Tanks</td>
<td>Various</td>
<td>Steel Tanks on Concrete</td>
<td>Above ground Tanks</td>
<td>Inspected as per the SPCC plan (see note)</td>
<td>Remove structure; Recycle metal, reclaim and re-vegetate</td>
</tr>
<tr>
<td>Hazardous Storage Area</td>
<td>Various</td>
<td>Steel or Polyethylene Tanks on Concrete</td>
<td>Above ground Tanks</td>
<td>Inspected as per the SPCC plan (see note)</td>
<td>Remove structure; Recycle metal, reclaim and re-vegetate</td>
</tr>
</tbody>
</table>

Note: The 2008 Copperton Concentrator Spill Prevention, Control, and Countermeasures (SPCC) Plan covers features permitted by rule.

E. Design and Construction

1. The Copperton Concentrator will be operated according to the specifications, plans and drawings included in the permit application received January 2000 and revised April 2002.

F. Monitoring


   a) **Future Modification of the Monitoring Network** - If at any time the Executive Secretary determines the monitoring program to be inadequate for determining compliance with BAT, applicable permit limits or ground water protection levels, Kennecott 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.

Within 60 days of completion and development of any new or replacement monitoring well, Kennecott shall submit documentation demonstrating that the well is in conformance with the EPA RCRA Ground Water Monitoring Technical Enforcement Guidance Document (EPA, 1986, OSWER-9950.1 Section 3.5).

b) **Compliance Monitoring Period** - Monitoring shall commence upon issuance of this permit and shall continue through the life of this permit. For compliance monitoring wells that are installed during the term of this permit, monitoring shall commence upon completion of the well installation and development.

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 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 foot.

e) **Sampling Protocol** - Water quality samples will be collected, and handled in conformance with the currently approved version of the Kennecott Ground Water Characterization and Monitoring Plan.

f) **Constituents Sampled** - The following analysis shall be performed on all water quality samples collected:

i) Field Measurements: pH, specific conductance, temperature.

ii) Laboratory Analysis:

- **Major Ions**: (chloride, sulfate, alkalinity, sodium, potassium, magnesium, and calcium).
- **TDS**
- **Inorganic Chemicals**: total cyanide.
- **Metals (dissolved)**: (arsenic, cadmium, copper, selenium, and zinc).

 g) **Analytical Procedures** - Water sample analysis will be conducted according to test procedures specified under UCA R317-6-6.3L with the exception of
selenium analysis. Analysis for selenium will be conducted using the Hydride ICP Mass Spectroscopy Method as approved in the April 17, 1998 letter from the Executive Secretary.

2. **Operational Monitoring**

   a) Kennecott shall characterize the fluids utilized in the Copperton Concentrator processes with grab samples for the unit process sites listed in Table 2.

   b) **Monitoring Frequency** - 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. Results from operational monitoring data shall be included in the application for permit renewal.

3. **Monitoring Frequency**

   **Well Monitoring Frequency** - All existing compliance monitoring wells will be sampled quarterly throughout the term of this permit, unless more frequent sampling is required under other terms of this permit.

4. **Post-Closure Monitoring**

   Kennecott shall conduct post-closure monitoring in accordance with the post closure monitoring program that is included in the closure plan in section 7 of the permit application.

G. **Demonstration of Compliance**

1. **Probable Out of Compliance for Ground Water Protection Levels** - If the concentration of a pollutant from any compliance monitoring well sample exceeds the higher of the protection level or the compliance limit (Table 1) Kennecott shall:

   a) Notify the Executive Secretary in writing within 30 days of receipt of the data;

   b) Initiate monthly sampling for the compliance monitoring well(s) that has exceeded the higher of the protection level or the compliance limit (Table 1), unless the Executive Secretary determines that other periodic sampling is appropriate, for a period of two months or until the compliance status of the facility can be determined.

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
Part I
Permit No. UGW350017

exceed the protection level and the 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 shall 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, Kennecott 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 monthly sampling unless the Executive Secretary determines that other periodic sampling is appropriate until the facility is brought into compliance.

iii) Submit a Source Assessment and Compliance Schedule to the Executive Secretary within 30 days of detection of the out of compliance status that outlines the following:

• Steps of action that will assess the source, extent, and potential dispersion of the contamination.
• Evaluation of potential remedial actions to restore and maintain ground water quality and ensure the protection levels or compliance limits will not be exceeded at that compliance monitoring point.
• Measures to ensure best available technology will be re-established.

iv) Implement the Source Assessment and Compliance Schedule as directed by the Executive Secretary.

H. Non-Compliance for Best Available Technology

1. Kennecott is required to maintain the Best Available Technology in accordance with the approved design and practice for this permit. Failure to maintain BAT or maintain the approved design and practice shall be a violation of this permit. In the event a compliance action is initiated against the permittee for violation of permit conditions relating to best available technology, Kennecott may affirmatively defend against that action by demonstrating the following:
Part I
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a) Kennecott submitted notification in accordance with R317-6-6.13;

b) The failure was not intentional or caused by Kennecott's negligence, either in action or in failure to act;

c) Kennecott has taken adequate measures to meet permit conditions in a timely manner or has submitted for the Executive Secretary's approval, an adequate plan and schedule for meeting permit conditions; and

d) The provisions of UCA 19-5-107 have not been violated.

I. Reporting Requirements

1. Reporting

   a) Monitoring Wells - Water quality sampling results for compliance monitoring wells, shall be submitted quarterly to the Executive Secretary as follows:

<table>
<thead>
<tr>
<th>Quarter Sampled In</th>
<th>Results Due On</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st (Jan., Feb., March)</td>
<td>May 15</td>
</tr>
<tr>
<td>2nd (April, May, June)</td>
<td>August 15</td>
</tr>
<tr>
<td>3rd (July, Aug., Sept.)</td>
<td>November 15</td>
</tr>
<tr>
<td>4th (Oct., Nov., Dec.)</td>
<td>February 15</td>
</tr>
</tbody>
</table>

   b) Failure to submit reports within the time frame due shall be deemed as noncompliance and may result in enforcement action.

2. Electronic Filing Requirements - In addition to submittal of the hard copy data, above, the permittee will electronically submit the required ground water monitoring data in the electronic format specified by the Executive Secretary. The data may be sent by e-mail, compact disk, or other approved transmittal mechanism.

J. Compliance Schedule

1. Best Management Practices Plans - Kennecott shall submit for approval by the Executive Secretary a Best Management Practices Plan that will describe:

   a) The tailings line modifications that Kennecott has completed recently to prevent and minimize spills (Appendix A);

   b) Reporting requirements and spill response procedures for any spill that occurs from the tailings line (Appendix A);

   c) This will include all of the best management plans for the operations
from Table 2 (Appendix B).

The plans will be submitted to the Executive Secretary within 90 days of permit issuance. Upon approval by the Executive Secretary, the plans will be incorporated in this permit as Appendix A and B.
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 R317-6-6.3L, 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 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 (unless specified otherwise in this permit):

Utah Division of Water Quality
Department of Environmental Quality
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Program

E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.

G. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) and time(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and,
6. The results of such analyses.

H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time.

I. Twenty-four Hour Notice of Noncompliance 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 M-Th).

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 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 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 pollutant concentrations in process waters at the facility are significantly higher than represented in the original permit application.