

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

**Ground Water Discharge Permit  
Permit No. UGW270004**

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

**Intermountain Power Service Corporation (IPSC)  
850 West Brush Wellman Road  
Delta, Utah 84624**

hereafter, referred to as the "Permittee," is granted a Ground Water Discharge Permit for the operation of the **Intermountain Generating Facility** ("IGF") located 10 miles north of Delta in Millard County, Utah.

IGF is located on tracts of land in Township 15 South, Range 6 West (Salt Lake Base and Meridian) and at the following coordinates: 39° 29.789' N. Latitude and 112° 34.500' W. Longitude.

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

The facility shall be constructed, maintained, and operated in accordance with conditions set forth in the Permit and the Utah Administrative Rules for Ground Water Quality Protection (Utah Admin. Code R317-6).

This Ground Water Discharge Permit for the Intermountain Generating Facility supersedes all other Ground Water Discharge Permits for this facility previously issued.

This Permit shall become effective on **XXX, XX 2026**.

This Permit and the authorization to discharge shall expire at midnight, March 9, 2028.

Signed this **xxth** day of **month**, 2026.

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Candice A. Hasenyager, P.E.  
Director

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## **PART I CONSTRUCTION PERMIT**

### **A. SUMMARY OF CONSTRUCTION PROJECT**

Seven (7) new Evaporation Ponds have been constructed for the IGF to meet the requirements outlined in Utah Administrative Code (Utah Admin. Code) R317-6, Ground Water Quality Protection.

The new ponds are lined with a single layer 60-mil high density polyethylene (HDPE) geomembrane liner. The new ponds are interconnected via a series of HDPE transfer pipes and a valve system designed to allow one pond to remain empty at all times. The new ponds were constructed with an observation sump system consisting of perforated polyethylene pipe (CPeP) connected to a sump located at the lowest point of each pond cell. The observation sump system was installed beneath the liner and runs along the interior slopes of each pond cell to allow for the periodic monitoring of any water escaping from the liners. Now that the new Evaporation Ponds are constructed and operational, the old Evaporation Ponds must be decommissioned and abandoned in compliance with DWQ guidelines and industry best practices.

IPSC has proposed that the ground water monitoring well EMW-3 serve as the sole compliance monitoring well for the new Evaporation Ponds. The coverage and distribution of the compliance monitoring well network for the new Evaporation Ponds should be similar to those of the current Evaporation Ponds to ensure compliance with the Best Available Technology (BAT). Therefore, the proposal to utilize EMW-3 as the only compliance monitoring well for the new Evaporation Ponds is insufficient to monitor compliance with the BAT.

By the next renewal of UGW270004, IGF must update the compliance monitoring well network to provide adequate leak-detection monitoring, and the Sampling and Contingency Plan must be modified to incorporate any necessary changes. See Part II.H.1 of this permit for additional information and compliance timelines.

### **B. AUTHORIZATION TO CONSTRUCT**

The construction of the seven new Evaporation Ponds was authorized by the Division in accordance with the Construction Permit, Engineered Plans, and the Design Report provided in Appendix A.

**PART II      SPECIFIC PERMIT CONDITIONS**

A.      GROUND WATER CLASSIFICATION

The ground water classification for the unconfined aquifer in the area of the Intermountain Generating Facility (“IGF”) is generally Class II Drinking Water Quality Ground Water. Ground water at each compliance monitoring well has been classified based on historical, well-specific monitoring data.

B.      GROUND WATER PROTECTION LEVELS

Ground Water protection levels for compliance monitoring wells are shown in Table 1A. Protection Levels are based on facility ground water sampling performed to date and on the protection level criteria of Utah Administrative Code (Utah Admin. Code) R317-6-4. The analytes are selected based on compounds that may be in the discharge to ground water, and levels must be met at the compliance monitoring wells.

The Permittee shall operate the facility such that the ground water quality standards (Utah Admin. Code R317-6(6.2)) and ground water permit limits in Table 1A developed for this Permit are not exceeded at the designated compliance monitoring wells. Utah ground water regulations also include 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, even though the Permit does not require monitoring for them.

**TABLE 1A**  
Intermountain Generating Facility Protection Levels for Ground Water Aquifers

Monitoring Well ID	Location	Minimum Sampling Frequency	TDS mg/L	Boron mg/L
<b>Compliance Wells</b>				
RW-6	west side of evaporation ponds	Semi-Annual	1100	0.53
BAC-11	west side of evaporation ponds	Semi-Annual	1100 <sup>1</sup>	0.53
WDB-7	west side of evaporation ponds	Semi-Annual	1100	0.53
EP-W-23	west side of evaporation ponds	Semi-Annual	1100	0.53
WDB-19	combustion landfill	Semi-Annual	1100	0.53
EMW-3	west of proposed new evaporation ponds	Semi-Annual	1219	0.53
<b>Observation Wells</b>				
EP-W-19	west side of evaporation ponds	Semi-Annual	NA	NA
EP-W-27	west side of evaporation ponds	Semi-Annual <sup>2</sup>	NA	NA
<b>Recovery Wells</b>				
WR-101	evaporation pond perimeter	Semi-Annual	NA	NA
WR-102	evaporation pond perimeter	Semi-Annual	NA	NA
WR-103	evaporation pond perimeter	Semi-Annual	NA	NA

<sup>1</sup> In accordance with R317-6-4.6(B)(3) no net increase is allowed  
NA = Not Applicable

**TABLE 1B**  
Perched Well Monitoring Program

Monitoring Well ID	Well Location	Minimum Measurement Frequency	
		Semi-Annual	Annual
AR-P0-4	Recycle Basin	X	
BA-P-01	Bottom Ash Basins		X
BA-P-02	Bottom Ash Basins		X
BA-P-04	Bottom Ash Basins		X
BA-P-07	Bottom Ash Basins		X
BA-P-08	Bottom Ash Basins		X
BA-P-09	Bottom Ash Basins		X
BA-P-11	Bottom Ash Basins		X
BA-P-12	Bottom Ash Basins		X
BA-P-15	Bottom Ash Basins		X
BA-P-16	Bottom Ash Basins		X
BA-P-17	Bottom Ash Basins		X
EP--P01	Evaporation Ponds		X
EP-P-02	Evaporation Ponds		X
EP-P-03	Evaporation Ponds		X
EP-P-04	Evaporation Ponds		X
EP-P-05	Evaporation Ponds		X
EP-P-06	Evaporation Ponds		X
EP-P-07	Evaporation Ponds		X
EP-P-08	Evaporation Ponds		X
EP-P-09	Evaporation Ponds		X
EP-P-10	Evaporation Ponds		X
EP-P-11	Evaporation Ponds		X
EP-P-12	Evaporation Ponds	X	
EP-P-13	Evaporation Ponds		X
EP-P-14	Evaporation Ponds	X	
EP-P-16	Evaporation Ponds	X	
EP-P-17	Evaporation Ponds	X	
EP-P-18	Evaporation Ponds	X	
EP-P-20	Evaporation Ponds	X	
EP-P-21	Evaporation Ponds	X	
EP-P-22	Evaporation Ponds	X	
EP-P-24	Evaporation Ponds	X	
EP-P-25	Evaporation Ponds	X	
EP-P-26	Evaporation Ponds	X	
EP-P-28	Evaporation Ponds		X
EP-P-29	Evaporation Ponds		X
EP-P-30	Evaporation Ponds		X
EP-P-31	Evaporation Ponds		X
WW-P-05	Wastewater Holding Basin	X	
WW-P-07	Wastewater Holding Basin	X	
WW-P-08	Wastewater Holding Basin	X	

C. PERMITTED FACILITIES

The Facilities authorized under this Permit are listed in Table 2. These facilities are those not permitted by rule that have the potential to release process fluids to ground water. Any modification to the present facilities that has the potential to affect ground water as prescribed in Part II.C, will require both modification of this Permit and issuance of a Construction Permit.

D. BEST AVAILABLE TECHNOLOGY PERFORMANCE STANDARD

The IGF is operated in accordance with the specifications, plans, and drawings included in the Permit application received in September 1995 (amended in April 2000 and August 2000), the Permit application received in November 2020, and the Construction Permit application received in September 2022.

Any construction, modification, or operation of new waste or wastewater disposal, treatment, or storage facilities shall require submittal of engineering design plans and specifications, and prior Director review and approval. All engineering plans or specifications submitted shall demonstrate compliance with all Best Available Technology (BAT) requirements stipulated by the Utah Ground Water Quality Protection Rules (Utah Admin. Code R317-6). Upon Director approval, a Construction Permit may be issued, and this Permit re-opened and modified to include any requirements.

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 BAT noted in Table 2 to minimize the discharge of process fluids from the permitted facilities to ground water. Maintenance of this performance standard will be demonstrated by:

1. No ground water degradation beyond permit limits established in Table 1A and measured by compliance monitoring wells.
2. Absence of measurable process water at or above the well screen in the perched monitoring wells listed in Table 1B.
3. Adherence to the maintenance and performance criteria in Table 2.
4. Implementation of the Best Management Practices Plan to ensure prompt cleanup of any spills and proper handling of process waters, as well as an ongoing inspection and maintenance program for facilities included in this Permit. The Permittee shall operate the IGF in accordance with this plan.

**TABLE 2**  
**Intermountain Generating Facility**  
**POINT SOURCE COMPONENTS**

<b>Facility</b>	<b>Fluids Handled</b>	<b>TDS (mg/L) April 2015</b>	<b>BAT Description</b>	<b>Operation and Maintenance</b>	<b>Performance Criteria</b>
Settling Basin	Process Water · Cooling Tower blowdown, storm water, misc. plant drains · Contact storm water	2,780	(1) Clay Lined Pond	· Process water recycled · Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan
Coal Pile Runoff Basin	Coal Pile · Coal System Washdowns · Contact storm water	1,090	(1) Clay Lined Pond	· Inspections per BMP Plan	· Adherence to BMP Plan
Bottom Ash Ponds	Process Water · Ash transport water and ash solids · Contact storm water	1,660 – 2,010	(3) 80-mil HDPE Lined Ponds	· Process water recycled · Inspections per CCR Rule	- Federal CCR Rule October 2015
Waste Water Holding Basin	Process Water · Scrubber sludge process water · Sanitary sewage treatment overflow · Contact storm water	19,800	(1) 80-mil HDPE Lined Pond	· Process water recycled · Inspections per CCR Rule	· Federal CCR Rule October 2015
Evaporation Ponds	Process Water · Waste Water Basin blowdown · Sewage treatment effluent · Contact storm water	26,200 to 107,000	(6) 80-mil HDPE Lined Ponds	· Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan
New Evaporation Ponds constructed in 2023/2024	Process Water · Waste Water Basin blowdown · Sewage treatment effluent · Contact storm water	TBD	(7) 60-mil HDPE Lined Ponds	· Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan
Recycle Basin	Process Water · Contact storm water	1,800	(1) 80-mil HDPE Lined Pond	· Process water recycled · Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan
Process water pipelines to ponds	· Process water	none		· Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan

E. COMPLIANCE MONITORING REQUIREMENTS

1. General Provisions

- a. *Future Modification of the Monitoring Network* - If at any time the Director determines that the monitoring program is inadequate for determining compliance with BAT, or applicable Utah Admin. Code ground water protection levels, Permittee shall submit, within 30 days of receipt of written notice from the Director, a modified monitoring plan that addresses the inadequacies noted by the Director.
- b. *Monitoring Well As-Built Report* - For each monitoring well constructed for UGW270004, the Permittee shall submit diagrams and descriptions of the final completion of the monitoring well. The report is due within 60 days of the date of well completion. The report shall include:
  - 1) Casing: depth, diameter, and type of material.
  - 2) Screen: length, depth interval, diameter, material type, slot size.
  - 3) Sand Pack: depth interval, material type and grain size.
  - 4) Annular Seals: depth interval, material type.
  - 5) Surface Casing and Cap: depth, diameter, material type, protection measures constructed.
  - 6) Elevation and Well Location: ground surface elevation, elevation of water level measuring point, latitude and longitude in degrees, minutes and seconds.
  - 7) Well construction description, well completion description, results of well pump tests or slug tests.
- c. *Compliance Monitoring Period* - Monitoring 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.
- d. *Laboratory Approval* – Analyses of all ground water samples shall be performed by a laboratory certified by the Utah Department of Health.

2. Water Quality Sampling

- a. *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. Depth to water measurements shall be reported in the monitoring reports.
- b. *Sampling Protocol* - Water quality samples will be collected and handled in conformance with the current approved version of the IPSC Sampling and Contingency Plan. The results of ground water quality monitoring shall be reported in accordance with the schedule in Part II.H.
- c. *Constituents Sampled* - The following analysis shall be performed on all water quality samples collected:

- 1) Field Measurements: temperature, pH, specific conductance.
  - 2) Laboratory Analysis: Total dissolved solids (TDS), boron.
- d. *Additional Constituents Sampled* - The following analyses shall be performed on water samples collected from any well that has been determined to be in non-compliance status, and all water samples collected for permit renewal:
- 1) Major Ions: chloride, sulfate, alkalinity, sodium, magnesium, potassium, and calcium.

3. Monitoring Frequency

*Compliance Well Monitoring Frequency* - All compliance monitoring wells listed in Table 1A will be sampled semi-annually throughout the term of this Permit. All new or replacement compliance monitoring wells shall be sampled quarterly for a period of two years following installation to establish baseline ground water quality. Following completion of accelerated sampling, monitoring shall change to a semi-annual sampling frequency unless more frequent sampling is required under other terms of this Permit.

*Perched Well Monitoring Frequency* - Water levels in perched monitoring wells will be measured at the frequency listed in Table 1B throughout the term of this Permit. Results shall be reported semi-annually as indicated in Part II.H.

Water extraction wells installed for ground water corrective action will be operated according to the Corrective Action Plan approved by the Director. These wells will be sampled a minimum of two times per year. Results shall be reported semi-annually as indicated in Part II.H.

Monitoring wells installed to monitor groundwater corrective action shall be sampled a minimum of two times per year, unless the Director determines that other periodic sampling is appropriate. Results shall be reported semi-annually as indicated in Part II.H.

Permittee shall verify the results of 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.

F. NON-COMPLIANCE STATUS

1. Probable Out of Compliance Status - The Permittee shall evaluate results of each ground water sampling event to determine any exceedence of the Ground Water Protection Levels found in Table 1A above. Upon determination that a Ground Water Protection Level has been exceeded at any downgradient compliance monitoring well, the Permittee shall:
  - a. Immediately re-sample the monitoring well(s) found to be in probable out-of-compliance status for laboratory analysis of the exceeded protection level parameter(s). Submit the analytical results thereof and notify the Director of the probable out-of-compliance status within 30 days of the initial detection.
  - b. Upon exceedence of any one parameter listed in Table IA for two consecutive sampling events, immediately implement an accelerated schedule of monthly sampling, consistent with the requirements of this permit. This monthly sampling will continue for at least two months or until the compliance status can be determined by the Director. Reports of the results of this sampling will be submitted

to the Director as soon as they are available, but not later than 30 days from each date of sampling.

2. Out-of-Compliance Status Based on Confirmed Exceedance of Permit Ground Water Protection Levels

Out-of-compliance status shall be defined as follows:

a. For parameters that have been defined as detectable in the background and for which protection levels have been established, out-of-compliance shall be defined as two consecutive samples exceeding the protection level. Out of compliance status for exceedance of total dissolved solids (TDS) occurs only when the protection level is exceeded **and** the protection level for boron is also exceeded.

3. Notification and Accelerated Monitoring - upon determining that an out-of-compliance status exists, the Permittee shall:

a. Verbally notify the Director of the out-of-compliance status within 24 hours, and provide written notice within 5 days of the detection, and

b. Continue an accelerated schedule of monthly ground water monitoring for at least two months and continue monthly monitoring until the facility is brought into compliance as determined by the Director.

c. Source and Contamination Assessment Study Plan - within 90 days after the written notice to the Director required in Part II.F.2.b.2, above, the Permittee shall submit an assessment study plan and compliance schedule for:

1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source, 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 compliance monitoring wells.

4. Probable Non- Compliance for Best Available Technology (BAT) - If the monitoring of fluid levels in a perched well indicates the probable presence of process water at or above the well screen, the Permittee shall:

a. If the source is undetermined, check all perched wells for fluid;

b. Collect a sample of the fluid and analyze for TDS, boron, and any other ions that are indicative of the probable source;

c. Notify the Director in writing within 30 days of receipt of the data;

d. If a leak from any of the permitted facilities is suspected, implement the applicable Sampling and Contingency Plan components to determine the source of the leak.

5. 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

- a. The Permittee has notified the Division according to Part II.F.2, and
- b. The failure was not intentional or was not caused by Permittee's negligence, either in action or in failure to act;
- c. 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
- d. 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.

G. REPORTING REQUIREMENTS

1. Reporting

- a. *Monitoring Wells*- Water quality sampling results for compliance monitoring wells shall be submitted to the Director according to the following semi-annual reporting schedule:

<u>Semi-Annual Monitoring Period</u>		<u>Report Due On</u>
1st	(January- June)	August 15
2nd	(July – December)	February 15

- b. *Water Level Measurements* - water level measurements from ground water monitoring wells will be reported as measured depth to ground water from the surveyed casing measuring point.

- c. *Ground Water Quality Sampling* - reporting will include:

Field Data Sheets - or copies thereof, including the field measurements, required in Part II.E.2.b.3 above, and other pertinent field data, such as: well name/number, date and time, names of sampling crew, type of sampling pump or bail, volume of water purged before sampling.

Laboratory Analytical Results - including date sampled, date received; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.

- d. Monitoring data from the perched wells shall be reported semi-annually and also maintained on file at the IGF.
- e. Electronic Filing Requirements - The Permittee will electronically submit the required ground water monitoring data in the electronic format specified by the

Director. The data may be submitted by e-mail, compact disc, or other approved transmittal mechanism.

H. COMPLIANCE SCHEDULE

1. IPSC constructed seven new Evaporation Ponds in the Spring of 2023. To ensure that the monitoring well network can adequately determine compliance with BAT, IPSC shall submit the following:
  - a. Within 30 days of the effective date of this permit, a Modified Monitoring Plan that addresses the inadequacies of the proposed compliance monitoring well network in accordance with Permit Part II.E.1.a.
  - b. Within 60 days of any new monitoring well installation, a Monitoring Well As-Built Report in accordance with Permit Part II.E.3.
  - c. Within 120 days of the effective date of this permit, a modified Sampling and Contingency Plan for Division review and approval.
2. Within 1 year of permit expiration, Permittee shall collect water samples to characterize process waters in the basins and ponds listed in Table 2. IPSC shall submit the analytical results with the permit renewal application, due 6 months before permit expiration. The analytical parameters suite shall include the constituents listed in Permit Part II.E.2.c and Part II.E.2.d.
3. Within 1 year of permit expiration, Permittee shall collect water samples from EMW-01 through EMW-08 to evaluate BAT performance of all basins, the ability of stratified clay beds to protect underlying aquifers, and to ensure any contaminants remain on plant property. The analytical parameters suite shall include the constituents listed in Permit Part II.E.2.c and Part II.E.2.d. Analytical results shall be submitted with the permit renewal application, due 6 months before permit expiration.

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**PART III MONITORING, RECORDING AND REPORTING REQUIREMENTS**

A. REPRESENTATIVE SAMPLING

Samples taken in compliance with the monitoring requirements established under Part II shall be representative of the monitored activity.

B. ANALYTICAL PROCEDURES

Water sample analysis must be conducted according to test procedures specified under Utah Admin. Code 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 Director, Utah Division of Water Quality at the following address no later than 15th day of the month following the completed reporting period:

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

E. COMPLIANCE SCHEDULES

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

F. ADDITIONAL MONITORING BY THE PERMITTEE

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

G. RECORDS CONTENTS

Records of monitoring information shall include:

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

H. RETENTION OF RECORDS

The Permittee shall retain records of all monitoring information, including all water monitoring equipment 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 at the request of the Director at any time.

I. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING

1. The Permittee shall verbally report any noncompliance, or spills subject to the provisions of UCA 19-5-114, which may endanger public health or the environment, as soon as possible, but no later than 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 Monday through Thursday Mountain Standard 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 recurrence of the noncompliance.
3. Reports shall be submitted to the addresses in Part III.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 III.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 IV 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 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 V GENERAL REQUIREMENTS**

- A. PLANNED CHANGES  
The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.
- B. ANTICIPATED NONCOMPLIANCE  
The Permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. PERMIT ACTIONS  
This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and 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 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.

5. Certification. Any person signing a document under this section shall make the following certification:

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

H. PENALTIES FOR FALSIFICATION OF REPORTS

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

I. AVAILABILITY OF REPORTS

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

J. PROPERTY RIGHTS

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

K. SEVERABILITY

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

L. TRANSFERS

This Permit may be automatically transferred to a new Permittee if:

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

M. STATE LAWS

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

N. REOPENER PROVISION

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

1. If new ground water standards are adopted by the Board, the Permit may be reopened and modified to extend the terms of the Permit or to include pollutants covered by new standards. The Permittee may apply for a variance under the conditions outlined in R317-6-6.4(D).
2. If alternate compliance mechanisms are required.
3. If water quality of the facility is significantly worse than represented in the original permit application.