

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

Ground Water Discharge Permit
Permit No. UGW350001

In compliance with the provisions of the Utah Water Quality Act, Utah Code Title 19, Chapter 5, (the “Act”),

Kennecott Barneys Canyon Mining Company, a Delaware Corporation (the “Permittee”)
4700 Daybreak Parkway
South Jordan, Utah 84095

the Division of Water Quality (“DWQ”) grants a ground water discharge permit (“Permit”) for monitoring the closed Barneys Canyon Mine and Cyanide Heap Leach Facility (or “Facility”), properties owned and operated by the Permittee, located at Barneys Canyon about 2 miles north of Copperton, Utah.

The Facility is located about 10 miles southwest of Salt Lake City, Utah, on the USGS quadrangle of Bingham Canyon, Utah. The Facility is primarily on Section 31, Township 2 South, Range 2 West; Sections 35 and 36, Township 2 South Range 3 West; and Sections 2 and 3, Township 3 South, Range 3 West, Salt Lake Base and Meridian.

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 per closure planning in accordance with conditions set forth in this Permit and the Utah Ground Water Quality Protection Rules; Utah Admin. Code R317-6 *et. seq.* (referred to herein as the “Ground Water Rules”).

This Permit supersedes all other ground water discharge permits previously issued for this facility.

This Permit shall become effective on _____, 2026.

This Permit shall expire at midnight July 12, 2029.

Candice A. Hasenyager, P.E.
Director

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PART I. SPECIFIC PERMIT CONDITIONS

The Facility has completed final closure activities under an approved closure plan including Construction Permits with DWQ. Buildings and other infrastructure have been removed, the five leach pads have been reshaped and covered, and a sitewide stormwater management system has been constructed. No water besides meteoric water has been added to the leach pads since 2013. The drainage water from the five leach pads will continue to be monitored, collected and conveyed to the Permittee's Tailings lines during post-closure. Monitoring will occur for all compliance wells per Permit Part I.D during post-closure.

A. GROUND WATER CLASSIFICATION.

Based on ground water quality samples collected from wells within the Facility boundary, ground water is classified as Class II Drinking Water Quality Ground Water, per Utah Admin. Code R317-6-3.5.

B. GROUND WATER QUALITY STANDARDS AND GROUND WATER PROTECTION LEVELS.

Utah Ground Water Quality Standards and permit-specific ground water protection levels for the required parameters are listed in Table 1. All parameters in Table 1 are in units of milligrams per liter (mg/l) dissolved, except for pH.

Table 1. Ground Water Protection Levels

Well ID	pH	TDS (mg/l)	Nitrate (mg/l)	Arsenic (mg/l)	Total Cyanide (mg/l)	Chromium (mg/l)	Mercury (mg/l)	Selenium (mg/l)
BCG282	6.5-8.5	1036	2.5	0.013	0.05	0.03	0.0005	0.013
BCG283	6.5-8.5	1248	5.0	0.017	0.05	0.03	0.0005	0.013
BCG284	6.5-8.5	740	2.5	0.013	0.05	0.03	0.0005	0.013
W31	6.5-8.5	724	2.5	0.013	0.05	0.03	0.0005	0.013
BCG848	6.5-8.5	1079	3.4	0.013	0.05	0.03	0.0005	0.013
BCG496	6.5-8.5	1217	2.5	0.013	0.05	0.03	0.0005	0.013
BCG850	6.5-8.5	802	2.5	0.013	0.05	0.03	0.0005	0.013
BCG851A	6.5-8.5	1077	2.6	0.016	0.05	0.03	0.0005	0.013
BCG851B	6.5-8.5	951	2.5	0.013	0.05	0.03	0.0005	0.013
BCG852	6.5-8.5	747	2.5	0.013	0.05	0.03	0.0005	0.013
BCG2846	6.5-8.5	927	2.5	0.013	0.05	0.03	0.0005	0.013
Ground Water Quality Standard	6.5-8.5	Class Specific	10	0.05	0.2	0.1	0.002	0.05

1. Ground Water Quality Standards – The Permittee shall comply with all Ground Water Quality Standards in R317-6-2 of the Ground Water Rules. The ground water around the site must comply with the applicable protection level for each of the standards contained in R317-6-2 even though this Permit does not require monitoring for each specific chemical listed in the Rules. Therefore, the Permittee shall not contaminate ground water by discharging compounds such as metals, leachates, acid, pesticides or volatile organic compounds not specified in the Permit.
2. Ground Water Protection Levels – The ground water protection levels listed in Table 1 are

based on compounds that may be in the Facility's discharge and therefore have the potential to contaminate ground water. Ground water quality monitoring is required to demonstrate that ground water protection levels are not exceeded in compliance monitoring wells.

3. Exceedance of Ground Water Protection Levels – Out-of-Compliance status will be determined in accordance with Utah Admin. Code R317-6-6.16 of the Ground Water Rules. Out-of-Compliance Status exists when two (2) consecutive samples from a compliance monitoring well exceed the protection level for that analyte in that well.

C. PERMITTED FACILITIES.

Barneys Canyon leach pads are in final closure. Final closure included the placement of earthen buttresses around the basal portion of each pad to increase the stability of each pad and reshaping of each pad within the buttress boundary and the addition of a soil cover. Design and construction were approved by DWQ. The buttress placement was completed in 2019, and reshaping and cover were completed in 2020. As part of the final closure, the leak detection system outlined in Part I.C.1.d is no longer required. Drainage from each pad, due to meteoric inputs, will continue to be captured and monitored and routed to the Permittee's Tailings Lines system via pad drainage collection sumps and conveyance system.

1. Leach Pads – Design and construction of existing pads BC-1, BC-2, BC-3, BC-4 and BC-5 incorporated Best Available Technology at the time. The leach pads were built as designed according to the construction permit issued on March 24, 1989, with a liner system from top to bottom as follows:
 - a. Three (3) to 5-foot-thick solution collection system of fine-grained ore;
 - b. 60-mil high density polyethylene ("HDPE") primary liner;
 - c. 12-inch minimum thickness clay secondary liner with a maximum hydraulic conductivity of 1.0×10^{-7} centimeters per second (cm/sec);
 - d. Below the clay secondary liner, a 6-inch leak detection layer with a hydraulic conductivity of 1.0×10^{-3} cm/sec or less was constructed. At the bottom of the leak detection layer, slotted sloping HDPE (Pads BC-1, BC-2 and BC-3) and PVC (Pads BC-4 and BC-5) leak detection pipes were installed to drain to a sump or port that can be monitored by instruments or visually inspected; and
 - e. 6-inch minimum thickness clay tertiary liner with a maximum hydraulic conductivity of 1.0×10^{-6} cm/sec.
2. Process Ponds – Two process ponds with a total capacity of 10,800,000 gallons were designed and constructed according to the construction permit issued March 24, 1989. A third process pond with a capacity of 4,300,000 gallons was designed and constructed according to the construction permit issued August 2, 1995. As part of the DWQ-approved Construction Plan, the ponds have been taken out of service and each respective pond liner and sump were removed and the ponds area re-contoured as part of final closure activities.
3. Closure Construction – The Permittee has completed final closure activities as outlined in the obtained construction permits from the DWQ. Any revisions or modifications to the approved final closure must be submitted to DWQ for review and approval before changes are implemented. The Facility is currently in an interim maintenance status consisting of performance monitoring of the implemented final closure design. Minor maintenance to

design features is expected as the final closure site condition matures. The minor maintenance activities may include non-contact storm water management, site access road maintenance, monitoring and repairs associated with minor erosion during vegetation establishment and vegetation maintenance, including noxious weed control and additional focused seeding. These minor maintenance activities do not materially affect the approved design and as such do not require DWQ approval.

D. COMPLIANCE MONITORING.

During the period beginning with the effective date of the Permit and lasting the term of the Permit, the Permittee shall demonstrate maintenance of Best Available Technology (“BAT”) and demonstrate that ground water protection levels have not been exceeded.

1. Ground Water Monitoring – The wells listed in Table 2 shall be monitored to demonstrate compliance with Part I.B. Reporting procedures in Part I.E must be followed, as applicable.

Table 2: Compliance Monitoring Wells Located with Kennecott Coordinate System

Well ID	Northing	Easting	Elevation (top of casing)	Screened Depth	Gravel Pack Depth
BCG282	N31929	E16958	5528	155-205	146-205
BCG283	N30463	E17248	5577	176-226	164-229
BCG284	N28189	E16954	5578	418-468	409-469
W-31 (Copperton)	N27100	E20100	5368	149-1218	
BCG848	N30090	E17070	5541	132-172	119-200
BCG496	N31224	E16854	5548	206-226	195-226
BCG850	N28352	E17095	5551	205-245	200-253
BCG851A	N30161	E18064	5454	58-78	52-78
BCG851B	N30158	E18061	5453	120-160	115-164
BCG852	N28367	E18240	5543	160-200	155-206
BCG2846	N33045	E17365	5449	130-170	115-170

2. Procedures for Well Monitoring

- a. Routine Monitoring – All monitoring wells shall be analyzed for the following parameters:
 - i. Field Parameters: pH, conductivity, temperature, ground water elevation.
 - ii. Laboratory Parameters: total dissolved solids, major ions (Ca, Cl, K, Mg, Na and SO₄), alkalinity, dissolved metals (As, Cr, Hg, Se, Tl), nitrate, and cyanide (total).
 - iii. If total cyanide exceeds the ground water protection level in a well, Permittee shall analyze for cyanide amenable to chlorination for that well.

- b. Accelerated Background Monitoring – Any new monitoring wells which may be required by the Director of the Division of Water Quality (“Director”) during the term of this Permit shall be sampled at least eight times over a two-year time span for all the parameters listed above in Part I.D.2.a. Data from background sampling shall be used to establish background concentrations of these constituents and also protection levels.
- c. Frequency – All wells will be sampled semi-annually with the exception of any well exceeding compliance limits. Wells exceeding compliance limits will be sampled quarterly. Seeps or springs will be sampled as determined by the Director.
- d. Sampling – Sampling shall be conducted according to the sampling protocol contained in the current Groundwater Characterization Monitoring Plan (“GCMP”). For low-yielding wells, evacuation procedures shall conform to the RCRA Ground Water Monitoring Technical Enforcement Guidance Document.
- e. Laboratory Approval – All analyses shall be performed by a laboratory certified by the State of Utah according to methods cited in Utah Admin. Code R317-6-6.3(L). Detection limits for all parameters except cyanide amenable to chlorination are to be equal or less than the ground water quality standard, or the ground water protection level, whichever is less in Table 1. Analytical methods used for sample analyses will be consistent with past permits for comparability and consistent with Kennecott’s Quality Assurance Plan in its GCMP. Other analytical methods shall be used only with permission of the Director.
- f. Damage to Monitoring Wells – If any monitoring well is damaged or is otherwise rendered inadequate for its intended purpose, the Director shall be notified within five (5) business days in writing.
- g. Additional Wells – If additional downgradient wells are required, they will be monitored in accordance with the above requirements.
- h. Seeps and Springs – For informational purposes only, sampling locations designated as BCS2845A, and D in the North Barneys drainage shall be sampled if required by the Director according to procedures described in the December 16, 2015 letter “Report for the Water Quality Characterization of Spring Water Flow in North Barneys Canyon Drainage.” This letter and the “North Barneys Drainage Seep Collection System Operations and Maintenance Plan” are attached in Appendix A.

3. BAT Performance Monitoring

- a. No discharge of drainage water from the leach pads to ground water is allowed. Maintenance of this performance standard will be demonstrated by monitoring pad flows and inspection of the pad sumps and conveyance system. The leach pads drain from west to east and were previously permitted with DWQ. A HDPE liner was placed over clay, and a collection system consisting of screened drains lies on top of the HDPE at the eastern end of each pad. The screened drains have been covered with granular backfill and then covered with the final leach pad cover. Each leach pad has three to five screened drains (depending on the leach pad size) designed to gravity drain any flow into the collection system. The screened drains are designed so that if one drain cannot manage the flow, the excess flow enters

the adjacent drain. It has been observed that the leach pads are free draining even with the addition of the cover. Flows from each leach pad are heavily influenced and respond quickly to meteoric events. A visual inspection well has been installed at the lowest elevation drain of each HLP to monitor water levels which could indicate if the screen is plugged with fines or collapsed. Any water level measurement less than one foot below the top of the buttress liner is a failure of the performance standard and shall be repaired to assure water ponding does not occur. Water level measurements for each closed and reclaimed Heap Leach Pad ("HLP") visual sump inspection well shall be observed and reported as part of regularly scheduled monitoring reports if there is a reduction in quarterly flow measurements per HLP of greater than 30% as compared to the running historic average flow since cover installation flow equalization (Q1 2021). Additionally, inspections will focus on HLP east side surface wetting, land subsidence, vegetation anomalies, system discrepancies or any other visual evidence of HLP drain failure or blockage will trigger a visual inspection of the sumps. If visual inspection results in a failure that indicates evidence of HLP drain failure or blockage, then reporting procedures in Part I.E.2 must be followed.

- b. Final cover over the leach pads shall be maintained in a stable condition to prevent generation of contact water. Any erosional features that expose former ore material in the leach pad are a failure of the performance standard and must be repaired immediately.
- c. Reporting – Reporting procedures in Part I.E.2 must be followed, as applicable.

E. REPORTING REQUIREMENTS.

- 1. Routine Reporting – The Permittee shall furnish the Director with semi-annual monitoring reports of compliance monitoring, however, the Permittee shall notify the Director within twenty-four (24) hours of the discovery of any mechanical or discharge system failures. A written statement confirming the oral report shall be submitted to the Director within five (5) business days of the failure. Semi-annual monitoring reports shall include the following information:

- a. Reports of analyses of well samples as required in Part I.D.1, including a ground water potentiometric surface map.
- b. Semi-annual reports shall be submitted to the Director according to the following schedule:

<u>Reporting Period</u>	<u>Report Due On</u>
January-June	August 15
July-December	February 15

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

- 2. Reporting of BAT Failure – Failure to maintain BAT performance standards as described in Part I.D.3 shall be reported to the Director in accordance with the requirements of Part II.I. of this Permit. The written submission shall contain:

- a. A description of and duration of the BAT failure, laboratory analytical results and contaminant volumes/quantities when applicable;

- b. The cause of failure; and
 - c. Steps taken or planned to reduce, eliminate or prevent recurrence.
 - d. Permittee shall prepare and submit within thirty (30) days, unless waived by the Director: (1) a plan and time schedule for assessment of the source, extent and potential dispersion of the contamination; and (2) an evaluation of potential remedial action required to restore BAT and to restore and maintain ground water quality to ensure that the Ground Water Quality Standards will not be exceeded at compliance monitoring points.
3. Out of Compliance Reporting – In the event that the Facility becomes out of compliance as defined in Part I.F.1.b, the reporting schedule in Part I.F shall be implemented.
4. Contingency Plan – In the event of a BAT failure, the Permittee shall prepare a plan and make arrangements to correct the failure as approved by the Director.
- F. OUT-OF-COMPLIANCE STATUS.
Information must be provided to the Director if the Facility becomes out of compliance. Immediate action is required to identify the problem, report, and repair the Facility. Out-of-Compliance Status is defined below:
- 1. Ground Water Monitoring – Exceedance of the protection level (Table 1) at any downgradient compliance monitoring well shall constitute noncompliance with this Permit according to the following:
 - a. Probable Out-of-Compliance Status – If the concentration of a pollutant from any compliance monitoring well exceeds the protection level as defined in Parts I.B.2 and I.B.3 of this Permit, Permittee shall:
 - i. Notify the Director in writing of the probable out-of-compliance status within thirty (30) days of receipt of the initial analytical data.
 - ii. Implement an accelerated schedule of quarterly ground water sampling and analysis for parameters requested by the Director. This quarterly sampling will continue 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 forty-five (45) days from each date of sampling.
 - b. Out-of-Compliance Status
 - i. Notification and Accelerated Monitoring – Upon determination by the Permittee, in accordance with Utah Admin. Code R317-6-6.17 and Part I.B.3, that an out-of-compliance status exists, the Permittee shall:
 - 1) Verbally notify the Director of the out-of-compliance status within 24 hours of verification, and provide written notice within five (5) business days of the detection and
 - 2) Immediately implement an accelerated schedule of quarterly

ground water monitoring which shall continue for at least two quarters or until the facility is brought into compliance.

- ii. Source and Contamination Assessment Study Plan – Within thirty (30) days of the verbal notice to the Director, Permittee shall submit an assessment study plan and compliance schedule for:
 - 1) Assessment of the source or cause of the contamination, and a determination of steps necessary to correct the source.
 - 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 ground water quality standards will not be exceeded at the downgradient compliance monitoring wells.
 - c. Probable Out-of-Compliance for Total Dissolved Solids - In the event that Total Dissolved Solids (“TDS”) exceeds protection levels in any well and no other parameters exceed protection levels, the Permittee shall prepare a report on the cause of the exceedance for submission with the next regular semi-annual monitoring report. The report must include information such as an analysis of major ion chemistry in the ground water and drainage pad water, geographic distribution of ground water chemistry and other factors at the site sufficiently detailed to determine whether the TDS exceedance was due to mining activities or natural variation. Upon examining the information in the report, if the Director determines that the exceedance was due to contact water, the Permittee shall follow the procedures in Parts I.F.1.a and b. Based on available information, the Director may require changes in the monitoring plan or changes in mine closure operations if needed to protect ground water quality.
2. Failure to Maintain BAT Required by Permit – The Permittee is required to maintain BAT in accordance with the approved design and practice for this Permit. Failure to maintain BAT shall be a violation of this Permit. In the event a compliance action is initiated against Permittee for violation of Permit conditions relating to BAT, the Permittee may affirmatively defend against that action by demonstrating the following:
- a. The Permittee submitted notification in accordance with Utah Admin. Code R317-6-6.13;
 - b. The failure was not intentional or caused by the Permittee’s negligence, either in action or failure to act;
 - c. The Permittee has taken adequate measures to meet Permit conditions in a timely manner or has submitted for Director approval, an adequate plan and schedule for meeting Permit conditions; and
 - d. The provisions of Utah Code § 19-5-107 have not been violated.
 - e. Where it is infeasible to re-establish BAT as defined in the permit, the Permittee may propose an alternative BAT for approval by the Director.

G. CLOSURE REQUIREMENTS.

1. The heap leach pads reclamation has been designed in such a way that ground water pollution is prevented. The heap leach pads final closure design was submitted to DWQ and accepted with the issuance of construction permits for the implementation of the design. In no case shall the closure criteria for this heap leach project result in degradation of the surface or ground water quality including beneficial uses thereof in the vicinity.
2. The oxide waste rock dumps and the sulfide waste rock repositories have been capped in accordance with the approved Waste Rock Management Plan accepted by DWQ on October 19, 1999. The ore remaining in the small sulfide ore stockpile at the implementation of the final closure design was securely disposed within the heap leach pads as described in the DWQ approved closure construction permits.
3. A closure document has been submitted and approved by the DWQ and Utah Department of Natural Resources, Division of Oil, Gas and Mining. The approved plan was implemented during final closure of the Facility.

H. MINE WATER USE.

1. Water from the mine pits ("mine water") may be conveyed for use at Kennecott Utah Copper's Copperton Concentrator and during final closure and associated maintenance activities. The mine water may not be otherwise used or disposed of without prior approval from the DWQ Director. The mine water must not be discharged from company property.

PART II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. REPRESENTATIVE SAMPLING.
Samples collected 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 Utah Admin. Code R317-6-6.3.L, unless other test procedures have been specified in this Permit.
- C. PENALTIES FOR TAMPERING.
The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation and by imprisonment for not more than five years.
- D. REPORTING OF MONITORING RESULTS.
Monitoring results obtained during each semi-annual reporting period specified in the Permit shall be submitted to the Director at the following address:
- Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Section
or
Electronic Reporting:
<https://deq.utah.gov/water-quality/water-quality-electronic-submissions>
(Should the online DEQ Submission Portal be inactive during the reporting period, submissions may be made via email to the current DWQ permit manager with copy to wqinfodata@utah.gov.)
- E. COMPLIANCE SCHEDULES.
If compliance schedules are included as part of the discharge Permit, compliance or noncompliance with interim or final requirements of the schedule shall be submitted no later than fourteen (14) days following schedule date for accomplishing the requirement.
- F. ADDITIONAL MONITORING BY PERMITTEE.
If 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.
1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;

- e. The analytical techniques or methods used; and
- f. The results of such analyses.

H. RETENTION OF RECORDS.

Permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

I. TWENTY-FOUR HOUR NOTICE OF NON-COMPLIANCE REPORTING.

1. Permittee shall verbally report any non-compliance as soon as possible, but no later than twenty-four (24) hours from the time Permittee first became aware of the circumstances. The report shall be made to the Utah Division of Environmental Quality twenty-four (24) hour number, (801) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (Monday thru Friday 8:00 am - 5:00 pm Mountain Time).
2. A written submission shall also be provided to the Director within five (5) business days of the time that Permittee becomes aware of the circumstances. The written submission shall contain the information requested in Part I.E.
3. Reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring Results.

J. OTHER NON-COMPLIANCE REPORTING.

Instances of non-compliance 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.

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

PART III. COMPLIANCE RESPONSIBILITIES

A. DUTY TO COMPLY.

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

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.

Section 19-5-115 of 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 violation. Any person who knowingly or negligently violates Permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under the same section 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 Permittee of the civil or criminal penalties for non-compliance.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.

It shall not be a defense for 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.

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.

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 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 Permittee only when the operation is necessary to achieve compliance with the conditions of the Permit.

F. UNFORESEEN EVENTS.

The conditions of this Permit described in Part III.A shall not prohibit Permittee from taking emergency action to prevent the loss of life, personal injury, severe property damage, and to protect public health and the environment.

PART IV. GENERAL REQUIREMENTS

A. PLANNED CHANGES.

Notice is required when a physical alteration or addition to the permitted Facility could significantly change the nature of the Facility or increase the quantity of pollutants discharged. Permittee shall give notice to the Director as soon as is practicable of any planned physical alterations or additions to the permitted facility. Permittee shall not make any physical alteration or addition to the permitted Facility without advanced Director approval.

B. ANTICIPATED NON-COMPLIANCE.

Permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in non-compliance with Permit requirements.

C. PERMIT ACTIONS.

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any Permit condition.

D. DUTY TO REAPPLY.

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

E. DUTY TO PROVIDE INFORMATION.

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. Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this Permit.

F. OTHER INFORMATION.

When 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. 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:

- i. The authorization is made in writing by a person described above and

submitted to the Director, and,

- ii. 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.)
2. Changes to Authorization – If an authorization under Part IV.G.1 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.1 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
3. 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 INFORMATION.

Section 19-5-115(4) of the Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or non-compliance, is guilty of a third-degree felony and subject to a fine of not more than \$10,000 per violation and by imprisonment for not more than five (5) years.

I. AVAILABILITY OF REPORTS.

Except for data determined to be confidential by 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. Permittee notifies the Director at least thirty (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 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 Permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-115 of the Act.

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

1. If new ground water standards are adopted by the Board, the Permit may be reopened and modified to extend the terms of the Permit or to include pollutants covered by new standards. Permittee may apply for a variance under the conditions outlined in Utah Admin. Code R317-6-6.4(D); or
2. Changes have been determined in background ground water quality.

APPENDIX A

NORTH BARNEYS CANYON DRAINAGE SPRING AND SEEP OPERATION, MAINTENANCE, AND
SAMPLING DOCUMENTS