

Official Draft Public Notice Version DATE, MONTH, 2015. The findings, determinations, and assertions contained in this document are not final and subject to change following the public comment period.

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

**GROUND WATER DISCHARGE PERMIT
RENEWAL
Permit No. UGW450007**

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

**U.S. Army Dugway Proving Ground
Dugway, Utah 84022**

is granted a renewed ground water discharge permit for the operation of a 3-cell aerated wastewater lagoon located at the U.S. Army Dugway Proving Ground, Tooele County, Utah.

The facility is located in the Southwest 1/4 of Sec. 17, T7S, R8W; Northeast 1/4 of Sec 19, T7S, R18W; Northwest 1/4 of Sec. 20 T7S, R18W; Southeast 1/4, Sec. 18, T7S, R8W.

This Ground Water Discharge Permit amends and supersedes all other Ground Water Discharge permits for this facility previously issued.

The Facilities shall be operated in accordance with conditions set forth in the permit and the Utah Ground Water Quality Protection Regulations.

This modified permit shall become effective at midnight, _____.

This permit shall expire on _____.

Walter L. Baker, P.E.
Director

TABLE OF CONTENTS

PART I.....	SPECIFIC CONDITIONS	1
A.	GROUND WATER CLASSIFICATION	1
B.	BACKGROUND GROUND WATER QUALITY	1
C.	GROUND WATER PROTECTION LEVELS	1
D.	DETECTION OF VOLATILE ORGANIC COMPOUNDS	2
E.	BEST AVAILABLE TECHNOLOGY AND PERFORMANCE STANDARD	2
F.	COMPLIANCE MONITORING	2
G.	NON-COMPLIANCE STATUS.....	4
H.	REPORTING REQUIREMENTS	5
PART II.	REPORTING REQUIREMENTS	7
A.	REPRESENTATIVE SAMPLING.....	7
B.	ANALYTICAL PROCEDURES	7
C.	PENALTIES FOR TAMPERING	7
D.	REPORTING OF MONITORING RESULTS	7
E.	COMPLIANCE SCHEDULES.....	7
F.	ADDITIONAL MONITORING BY THE PERMITTEE	7
G.	RECORDS CONTENTS	7
H.	RETENTION OF RECORDS.....	8
I.	NOTICE OF NONCOMPLIANCE REPORTING	8
J.	OTHER NONCOMPLIANCE REPORTING	8
K.	INSPECTION AND ENTRY	8
PART III.	COMPLIANCE RESPONSIBILITIES.....	9
A.	DUTY TO COMPLY	9
B.	PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.....	9
C.	NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	9
D.	DUTY TO MITIGATE.....	9
E.	PROPER OPERATION AND MAINTENANCE	9
PART IV.	GENERAL REQUIREMENTS	10
A.	PLANNED CHANGES	10
B.	ANTICIPATED NONCOMPLIANCE.....	10
C.	PERMIT ACTIONS.....	10
D.	DUTY TO REAPPLY	10
E.	DUTY TO PROVIDE INFORMATION	10
F.	OTHER INFORMATION	10
G.	SIGNATORY REQUIREMENTS.....	10
H.	PENALTIES FOR FALSIFICATION OF REPORTS.....	11
I.	AVAILABILITY OF REPORTS	11
J.	PROPERTY RIGHTS.....	11
K.	SEVERABILITY	11
L.	TRANSFERS.....	11
M.	STATE LAWS.....	12
N.	REOPENER PROVISIONS	12

I. SPECIFIC CONDITIONS

A. GROUND WATER CLASSIFICATION

Ground water class as defined in UAC R317-6-4 is determined to be Class II.

B. BACKGROUND GROUND WATER QUALITY

Groundwater quality information is presented in Table 1 Background is defined as the mean concentration of each parameter in the well based on monitoring data collected for this permit up to and including the May, 2010 sampling event. Data for dissolved arsenic was collected up to and including the October 2014 sampling event.

TABLE 1 – Background Water Quality in Monitor Wells

Well	Total Dissolved Solids, mg/l	Nitrate mg/l	Dissolved Arsenic ug/l
EVW-MW003	514	3.0	20
EVW-MW004	500	2.9	10.7
EVW-MW005	951	4.6	2.3

C. GROUND WATER PROTECTION LEVELS

The ground water protection and compliance levels presented in Table 2 have been re-established to account for natural variability of the groundwater quality at the site. The new protection levels are established based on background sampling performed to date on downgradient wells EVW-MW004 and EVW-MW005, and on the requirements of UAC R317-6-4. Protection levels in this case are based on the greater of the mean background concentration plus twice the standard deviation or 1.25 x mean background concentration for Class II ground water.

TABLE 2 – Protection Levels in Downgradient Monitor Wells

Well	Total Dissolved Solids, mg/l	Nitrate mg/l	Dissolved Arsenic ug/l
MW004	746 ¹	3.6 ²	15 ¹
MW005	1313 ¹	5.8 ²	3.7 ¹

1. Mean background + (2 x standard deviation)
2. Mean background x 1.25

D. DETECTION OF VOLATILE ORGANIC COMPOUNDS

The permittee is required to sample water from the final cell of the lagoon for volatile organic compounds (VOCs) listed below for detection of any wastewater release from industry. If any VOCs are detected and confirmed in subsequent sampling, within six months of the confirmation, Dugway Proving Ground shall develop a plan for keeping those particular compounds out of its domestic wastewater.

Analyte

Benzene	Ethylbenzene
Bromobenzene	Isopropylbenzene
Bromochloromethane	p-Isopropyltoluene
Bromodichloromethane	Methylene chloride
Bromoform	Naphthalene
n-Butylbenzene	n-Propylbenzene
sec-Butylbenzene	Styrene
tert-Butylbenzene	1,1,1,2-Tetrachloroethane
Carbon tetrachloride	1,1,2,2-Tetrachloroethane
Chlorobenzene	Tetrachloroethene
Chloroethane	Toluene
Chloroform	1,2,3-Trichlorobenzene
2-Chlorotoluene	1,2,4-Trichlorobenzene
4-Chlorotoluene	1,1,1-Trichloroethane
Dibromochloromethane	1,1,2-Trichloroethane
1,2-Dibromo-3-chloropropane	Trichloroethene
1,2-Dibromoethane	Trichlorofluoromethane
Dibromomethane	1,2,3-Trichloropropane
1,2-Dichlorobenzene	1,2,4-Trimethylbenzene
1,3-Dichlorobenzene	1,3,5-Trimethylbenzene
1,4-Dichlorobenzene	Vinyl Chloride
Dichlorodifluoromethane	o-Xylene
1,1-Dichloroethane	m-Xylene
1,2-Dichloroethane	p-Xylene
2,2-Dichloropropene	

E. BEST AVAILABLE TECHNOLOGY AND PERFORMANCE STANDARD

1. Best Available Technology

The administration of this permit is founded on the use of best available treatment technology, in accordance with the requirements of UAC R317-6-1.3. Construction standards of the lagoons are covered under the construction permit issued March 1, 1994. The three-cell aerated lagoon cover a surface area of 13 acres with a maximum operation depth of 6.25 feet. The lagoon system is sized to accept up to 2,178,000 cubic feet of volume. The permit does not allow treatment of pre-treated or untreated industrial, commercial or agricultural wastes in the lagoon system, except for waste from Dugway Proving Ground's arsenic removal system for its culinary water supply. The lagoons are lined with a 36-mil Hypalon synthetic liner, provided a performing seepage rate no greater than 1/8 inch per day.

2. Performance Standard for Best Available Technology

Compliance with the requirements for use of best available technology is demonstrated by construction of the lagoons according to the construction permit issued on March 1, 1994. The in situ hydraulic conductivity of the lagoon liners was verified with the approved construction quality assurance/quality control (QA/QC) plans contained in the original application for this permit. Ongoing performance of the construction technology will be evaluated for compliance by the monitoring required in Part I.F.

3. Closure Plan

Upon closure of any lagoon or lagoon system, the permittee shall submit to the Director a site-specific closure plan for disposition of the liquids, solids and liner material of the lagoon(s) to be closed. All three elements will be tested for their constituent content. The liner material will be tested according to an approved testing plan to determine an appropriate means of disposal, which will not lead to ground water contamination. The monitoring wells will continue to be sampled for a post closure monitoring period as determined by the Director. The State of Utah has adopted the 40 CFR 503 Federal regulations for the disposal of sewage sludge (biosolids) by reference. However, since this facility is a lagoon, there is not any regular sludge production. Therefore, 40 CFR 503 does not apply at this time. In the future, if the sludge needs to be removed from the lagoons and is disposed in some way, the Division of Water Quality (DWQ) must be contacted prior to the removal of the sludge to ensure that all applicable state and federal regulations are met.

F. COMPLIANCE MONITORING

The permittee is required to monitor ground water quality periodically according to the provisions of Part I.F.5 to assure compliance with the terms of this permit.

1. Compliance Monitoring Wells

The permittee has installed three monitor wells around the lagoons in directions believed to be up and downgradient. One up-gradient and two downgradient wells have been installed to take into account the lagoons' orientation relative to ground water flow. The locations of these wells are described in the table below.

Table 3 - Location of Monitoring Wells

Well No.	Orientation	1983 NAD Survey	GPS	Elevation of measuring point	Depth of screened interval
EVW-MW03	Upgradient	Northing 7,244,275.56 Easting 1,282,455.33	Latitude 40 ^o 12' 1.4" N Longitude 112 ^o 46' 53.9" W	4841.51	199.31-219.31
EVW-MW04	Downgradient	Northing 7,245,128.96 Easting 1,283,635.45	Latitude 40 ^o 12' 9.9" N Longitude 112 ^o 46' 38.9" W	4862.46	224.87-242.87
EVW-MW05	Downgradient	Northing 7,245,802.88 Easting 1,283,564.91	Latitude 40 ^o 12' 16.6" N Longitude 112 ^o 46' 39.9" W	4853.83	209.64-229.64

2. Sampling and Analysis Plan

All water sampling done for compliance purposes under this permit must be done according to the most-recently approved version of the Sampling and Analysis Plan. The Plan may only be changed with approval by the Director.

3. Monitoring Requirements

The permittee shall comply with the ground water standards and protection levels listed in Part I.C. of this permit and others contained in the Utah Ground Water Quality Protection Regulations (UAC R317-6). The two downgradient monitoring wells shall be used to determine compliance with the protection levels and detection of the presence of VOCs listed in Part I. D of this permit. The ground water regulations contain standards for contaminants such as metals, pesticides and volatile organic compounds. Accordingly the permittee must not discharge these or any other contaminants, which could impair beneficial uses of the ground water, even though the permit does not require monitoring for them.

4. Protection Levels

If the protection levels listed in Part I.C. are exceeded in any downgradient well, the permittee shall evaluate whether the exceedance is caused by the facility (in which case the well no longer indicates background water quality) or by another source.

5. Monitoring Procedures

a. Frequency

The monitor wells shall be sampled for Nitrate, pH, Dissolved Arsenic and TDS shall be conducted by the permittee semi-annually in May and October, or as close to those dates as practicable, and shall continue for the term of this permit. The final lagoon cell shall be sampled according to the provisions of Part I.F.5(f).

b. Depth to Ground Water

Depth to ground water must be measured to the nearest 0.01 foot from the measuring point cited in Table 3.

c. Ground Water Elevation

Ground water elevation shall be calculated by subtracting the depth to ground water measurement from the elevation of the top of the well casing and reported in feet above mean sea level to the nearest 0.01 foot.

d. Laboratory Approval

All water analyses shall be performed by a laboratory certified by the State of Utah in accordance with the most recently-approved version of the Sampling and Analysis Plan and the provisions of UAC R317-6-6.3 A(13).

e. Damage to Monitoring Wells

If a monitor well is damaged or is otherwise rendered inadequate for its intended purpose or if a previous hydraulic gradient between two monitor wells is reversed, the Director shall be notified in writing within five days of the permittee becoming aware of the condition.

f. Parameters to be monitored

The following parameters are to be monitored semi-annually for the term of this permit in all upgradient wells and downgradient wells.

- 1) Field Parameters: temperature, specific conductance, pH, and ground water elevation
- 2) Laboratory Parameters: Nitrate, Total Dissolved Solids, Dissolved Arsenic

In addition, the final lagoon cell shall be sampled for Dissolved Arsenic semi-annually, for major ions (Na, K, Mg, Ca, Cl, SO₄ and alkalinity), nitrate, and total Kjeldahl nitrogen annually in October, and for the VOCs listed in Part I.D of this permit every other year (in odd-numbered years) for the term of this permit.

6. Future Modification of Monitor Well Network or Monitoring Plan

If at any time the Director determines the monitor well network to be inadequate due to a change in gradient or for any other reason, the permittee shall submit within 30 days of receipt of notification a plan and compliance schedule to modify the monitor well network. If hydrologic conditions do not allow a direct comparison of upgradient and downgradient ground water quality, the permittee may propose a different background monitoring schedule, if needed for the statistical method chosen to evaluate the monitoring data. The alternate background monitoring schedule may be followed upon approval of the Director.

G. DEMONSTRATION OF COMPLIANCE

1. Ground Water Protection Levels

If the analytical results for any ground water monitoring event at a downgradient well exceed the protection levels listed in Table 1, Dugway Proving Ground shall notify DWQ according to the provisions of Part I.H.3 and immediately re-sample the well for all parameters listed in Part I.F.5(f). The permittee shall continue to follow a monthly monitoring schedule for the well until the parameter no longer exceeds the protection level or until notification by the Director that a semi-annual monitoring schedule may be resumed. Additional investigation and remedial action may also be required by the Director.

2. Detection of Volatile Organic Compounds

If the analytical results for any VOC monitoring event at the final lagoon cell indicate the presence of one or more volatile organic compounds, Dugway Proving Ground shall notify DWQ according to the provisions of Part I.H.3 and immediately re-sample the lagoon for all parameters listed in Part I.D. If the second sample confirms the presence of one or more VOCs in the lagoon, within six months the permittee shall submit a plan and timetable to eliminate all sources of discharge of those compounds from English Village's domestic

sewer system. The plan shall be implemented following approval by the Director. The permittee shall continue to follow a monthly monitoring schedule for the lagoon until the parameter is no longer detectable in the lagoon water or until notification by the Director that a biennial monitoring schedule may be resumed.

3. Failure to Maintain Best Available Technology Required by Permit

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

- a. The permittee has notified according to Part I.G.2, and
- b. The failure was not intentional or was not caused by the permittee's negligence, either in action or failure to act, and
- 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 reissuance), 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.

4. Contingency Plan

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

H. REPORTING REQUIREMENTS

1. Semi-Annual Ground Water Monitoring Schedule

Monitoring required in Part I.F.5. (above) shall be reported according to the Compliance Monitoring Reporting Schedule of Table 2 (below), unless modified by the Director.

TABLE 4. Compliance Monitoring Reporting Schedule

<i>For Nitrate, Dissolved Arsenic, pH and TDS</i>	
Monitoring Periods	Report Due Dates
May	August 1
October	January 1
<i>For VOC's</i>	
Monitoring Period	Report Due Dates
May	August 1

2. Ground Water Quality Sampling Report

Regular semi annual monitoring reports shall include the following information:

- a. Field data sheets, or copies thereof, including the field parameters required in Part I.F.5 (f), above, and other pertinent field data, such as well name/number, date and time, names of sampling crew, depth to ground water, type of sampling pump or bailer, measured casing volume, volume of water purged before sampling and any information required to be reported under the approved sampling plan.
- b. Ground water elevations in all monitoring wells, plotted on a map of the site.
- c. Results of ground water analysis, including date sampled, date received and the results of analysis for each parameter, including: value or concentration, units of measurement, method detection limit for the examination, analytical method and the date of analysis.
- d. Electronic filing- Spreadsheets in Excel format shall be prepared for each monitoring well and lagoon monitoring point, containing results of analysis for each required parameter and all previous monitoring data collected for each monitoring point and parameter. Spreadsheets may be reported to DWQ on compact disk or other approved transmittal mechanism.

3. Noncompliance

When the permittee becomes aware of an incident of noncompliance with the terms of this permit, the Division of Water Quality shall be notified verbally by the next business day, and in writing within 5 business days. Verbal reports of noncompliance should be made at (801) 536-4300.

II. REPORTING REQUIREMENTS

- A. REPRESENTATIVE SAMPLING. Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.
- B. ANALYTICAL PROCEDURES. Water sample analysis must be conducted according to test procedures specified under UAC R317-6.3.A.13, unless other test procedures have been specified in this permit.
- C. PENALTIES FOR TAMPERING. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. REPORTING OF MONITORING RESULTS. Monitoring results obtained during each Semi-annual reporting period specified in the permit, shall be submitted to the Director, Utah Division of Water Quality at the following address no later than the 15th day of the month following the completed reporting period:

Attention: Ground Water Protection Program
State of Utah
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

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

- E. COMPLIANCE SCHEDULES. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. ADDITIONAL MONITORING BY THE PERMITTEE. If the permittee monitors any pollutant at a compliance monitoring point more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.
- G. RECORDS CONTENTS.
 - 1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The name of the certified laboratory which performed the analyses;

- e. The analytical techniques or methods used; and,
 - f. The results of such analyses.
- H. **RETENTION OF RECORDS.** The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- I. **NOTICE OF NONCOMPLIANCE REPORTING.**
- 1. The permittee shall verbally report any noncompliance that may endanger public health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 538-6333, or to the Division of Water Quality, Ground Water Protection Section at (801) 538-6146, during normal business hours (8:00 am - 5:00 pm Mountain Time).
 - 2. A written submission shall also be provided to the Director within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - 3. Reports shall be submitted to the addresses in Part II D, Reporting of Monitoring Results.
- J. **OTHER NONCOMPLIANCE REPORTING.** Instances of noncompliance not required to be reported within 5 days, shall be reported at the time that monitoring reports for Part II D are submitted.
- K. **INSPECTION AND ENTRY.** The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
- 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 - 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 - 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. **DUTY TO COMPLY.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of the Water Quality Board 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 Director as soon as possible of any planned physical alterations or additions to the permitted facility, which could significantly change the nature of the facility or increase the quantity of pollutants discharged.
- B. **ANTICIPATED NONCOMPLIANCE.** The permittee shall give advance notice of any planned changes in the permitted facility or activity, which is anticipated, may result in noncompliance with permit requirements.
- C. **PERMIT ACTIONS.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. **DUTY TO REAPPLY.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. **DUTY TO PROVIDE INFORMATION.** The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. **OTHER INFORMATION.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. **SIGNATORY REQUIREMENTS.** All applications, reports or information submitted to the Director shall be signed and certified.
 - 1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and,
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant

manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to Authorization. If an authorization under Part V.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 V.G.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

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

- H. PENALTIES FOR FALSIFICATION OF REPORTS. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. AVAILABILITY OF REPORTS. Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.
- J. PROPERTY RIGHTS. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- K. SEVERABILITY. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- L. TRANSFERS. This permit may be automatically transferred to a new permittee if:
 1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- M. STATE LAWS. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-117 of the Act.
- N. REOPENER PROVISIONS. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R317-6.4(D)
 2. Changes have been determined in background ground water quality.

U:\PERMITS\MNOVAK\WP\DUGWAY 2015 Renewal\DUGWAY 2015 Permit.doc