

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
P.O. BOX 144870
SALT LAKE CITY, UTAH 84116-0690

Ground Water Discharge Permit
Permit No. UGW450002

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

Barrick Resources (USA) Inc.
Mercur Mine Reclamation Project
136 E. S. Temple, Suite 1800
Salt Lake City, UT 84111

is granted a Ground Water Quality Discharge Permit for the Mercur Mine Reclamation Project located at latitude 40° 20' 00" North, longitude 112° 12' 30" West in accordance with conditions set forth herein.

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

Specifically, this Ground Water Quality discharge Permit incorporates all provisions of UGW450001, and references Stipulation and Consent Order GW-90-030A.

This permit renewal shall become effective on January 16, 2008.

This permit and the authorization to operate shall expire at midnight, January 15, 2013.

Signed this 16th day of January, 2008.

Walter L. Baker, P.E.
Executive Secretary
Utah Water Quality Board

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I. SPECIFIC CONDITIONS

A. Ground Water Classification

Based on ground water data submitted by the Permittee, ground water at the Mercur site is generally defined as class II, with the exception of the aquifers near monitoring wells MW-9 at valley Fill Leach Area 2 (VFL2) and MW-17 at the tailing impoundment that are defined as Class 1A.

B. Background Ground Water Quality

Background for Monitoring Wells – Based on the chemical characteristics of samples taken from monitoring wells MW-1, MW-2, MW-9, MW-10, MW-11, MW-13, MW-15, MW-16, MW-17, MW-18 and MW-19, background ground water quality is defined in Table 1.

C. Ground Water Protection Levels

1. Protection Levels for existing Wells – Ground water quality at monitoring wells MW-1, MW-2, MW-9, MW-10, MW-11, MW-13, MW-15, MW-16, MW-17, MW-18 and MW-19 shall not exceed the ground water protection levels defined in Table 1.
2. Compliance Determination Method – Compliance with ground water protection levels shall be evaluated in eleven compliance monitoring wells. If future monitoring data indicate an exceedance of protection levels compliance, status will be determined in accordance with R317-6.6.16 including, if necessary, reference to methods described in the EPA Interim final Guidance documents entitled “Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities”, dated February, 1989 and the July 1992 draft addendum to the Interim Final Guidance. Subsequent updates of this document shall be utilized as available and appropriate.

D. Valley Fill Leach Area No. 3 (VFL3) Post-Closure Requirements

1. No Discharge Technology – the Valley Fill Leach Area No. 3 facility, as constructed, incorporates no-discharge technology through the use of a composite liner consisting of a synthetic flexible membrane/clay/synthetic flexible membrane liner system. The reclamation cover design meets BAT. Barrick will monitor the head of the neutralized wastewater through the term of the permit.
2. Spill Containment – Barrick shall design, maintain and construct all pipelines from the Valley Fill Leach Area 3 facility that shall:
 - a. Minimize, to the extent possible, any spills or leakage from the pipeline from coming into contact with the ground surface or ground water.

- b. Convey, to the extent possible all spills or leakage to the East Bay, Valley Fill Leach No. 3 or other containment mechanisms approved by the Executive Secretary. Affected structures include any associated pipeage, valves, pumps or other ancillary equipment. The design and construction of the spill containment systems shall be maintained to meet the requirements of the Construction Permit issued July 13, 1990, by the Executive Secretary.
3. Valley Fill Leach No. 3 Permanent Closure Plan – The Approved Final Closure Plan is an enforceable appendix to this permit. It is designated as Appendix B to this permit.

E. Valley Fill Leach Area No. 2 Post-Closure Compliance Requirements

1. Ground Water Monitoring – Barrick is required to continue ground water quality monitoring of existing monitoring well MW-9 at VFL2 on a semiannual basis in accordance with the post-closure monitoring plan, attached as Appendix C to this permit. Ground water sampling must include all the chemical parameters, methods, and procedures required by the QA/QC plan contained in Appendix A to this permit. Barrick shall submit the results of semiannual monitoring to the Executive Secretary in accordance with the compliance monitoring schedule shown in Table 2.
2. Post Closure Monitoring – The approved plans and specifications for the recontouring and covering of Valley Fill Leach No. 2 approved on may 30, 1995 by the Executive Secretary is subject to the following conditions:
 - a. Barrick will maintain the vegetated cover in accordance with the approved Final Closure Plan and compliance schedule for post-closure monitoring attached as Appendix C, and methods and standards approved by the DOGM.
 - b. Barrick intends to grout the leakage collection pipe closed, and reclaim the leakage collection system area. Barrick completed the required 5-year post-closure monitoring the leakage collection system in April and installed drillouts through the liner to provide free draining infiltrated water. Barrick demonstrated that post-closure monitoring results met previous modeled predictions for the system. The Valley Fill Leach No. 2 leakage collection system shall not be removed without the written consent of the Executive Secretary.

F. Tailing Wastewater Treatment Discharge

1. Authorized Discharge – During the term of this permit the Permittee is authorized to store, detain and recover storm water runoff from the area immediately surrounding and naturally draining into and from the tailing impoundment and to

receive draindown quantities of water pumped from Valley Fill Leach Area 3. If spills of unauthorized chemicals, fuels or other materials enter the tailing impoundment the Permittee shall notify the Executive Secretary within 24 hours and provide written notification within 5 business days, in accordance with the requirements of Part II.I. Incidental seepage emanating from the reclaim cell and the saddle seep area formerly collected in the saddle seepage pond in Manning Canyon will be treated and discharged into the Golden Gate Basin.

2. East Bay – The lined facility has a capacity of approximately 70 million gallons. The pond is designed and authorized to receive wastewater from the tailing impoundment and Valley Fill 3 draindown in order to accelerate dewatering and drying of the tailing surface during final closure and reclamation of the facility. Barrick will eliminate the east bay through water treatment and surface discharge the treated water in accordance with work plans developed by Barrick and approved by the Executive Secretary. Treated waters from the east bay will be discharged to the Golden Gate basin under this permit as approved by the Executive Secretary. Once the treated east bay water has been drained to the Golden Gate Basin, the basin will be backfilled and regraded in accordance with the approved final design plans and specifications for final reclamation of the east bay and the tailing impoundment.
3. Lined Chimney Drain Ponds – A regular inspection shall be made of the fluid levels in the chimney drain storage pond and overflow pond. If at any time the fluid levels exceed 1/3 the capacity of either of these ponds, as determined by visual observation, the fluids contained therein shall be pumped into the tailing impoundment or East bay. Pumping shall continue until the ponds are as empty as the pumping system will allow. All pipelines between these ponds and the tailing impoundment or East bay shall be properly evacuated following each use to prevent freeze up. The entire pumping system shall be continuously maintained in operable condition.
4. Spill Containment – Barrick shall utilize best management practices intended to prevent and contain spills from occurring from any of the following structures:
 - a. Pipelines between Valley Fill Leach Area No. 3 and the tailing impoundment.
 - b. Pipelines between Valley fill Leach Area 2 and the tailing impoundment.
 - c. The lined chimney drain storage pond and overflow pond and the East Bay.
 - d. Pipelines conveying tailing waters constructed during the term of this permit. The practices shall conform to the following criteria:
 - 1) Minimize, to the extent possible, and spills of untreated tailing wastewater, leakage or overflow from contact with unlined ground surfaces, ground water or surface water runoff conveyance systems (ditches, streams, etc).

- 2) Convey, to the extent possible, all spills or leakage to the tailing impoundment East bay, or new containment mechanisms or treatment facilities approved by the Executive Secretary.
5. Cover design and placement will be in accordance with the final closure plan document and according to the design and methods approved in the 1999 Construction Permit approved by the Division of Water Quality.
6. Incidental Flow Management – Incidental flows are currently managed in the East Bay. Incidental flows from mine draindown will be treated for arsenic and nitrate reduction and discharged to the Golden Gate Basin, as approved in writing by the Executive Secretary.

G. Compliance Monitoring Requirements

1. Quality Assurance Project Plan – All water quality monitoring to be conducted under this permit shall be in accordance with the general requirements, hereunder, and the specific requirements of quality Assurance Project Plan, dated October 1, 1998, amended and attached as Appendix A to this permit.
2. Compliance Monitoring Wells – The Permittee has installed six monitoring wells at the tailing impoundment, four wells at Valley Fill Leach Area No. 3, and one well at Valley Fill Leach Area No. 2. All eleven wells will be used as compliance monitoring points through the life of the permit unless modified by the Executive Secretary. Barrick shall maintain its current ground water monitoring well network in compliance with the requirements of this permit. The locations of these wells are described below.
 - a. Compliance Monitoring Well MW-1-NE/4 of SE/4 of NE/4 of section 5 T.6 S. R. 3 W 150 ft. west, 1470 ft. south of NE corner.
 - b. Compliance Monitoring Well MW-2 - NE/4 of SE/4 of NE/4 of section 5 T. 6 S. R. 3 W. 170 ft. west, 1670 ft. south of NE corner.
 - c. Compliance Monitoring Well MW-9 – SE/4 of SE/4 of section 5 T. 5 S. R. 3 W 4400 ft. west, 100 ft. north of SW corner.
 - d. Compliance Monitoring Well MW-10 – SW/4 of SW/4 of SW/4 of section 32 T. 5 S. R. 3 W 50 ft. north, 810 ft. west of SW corner.
 - e. Compliance Monitoring Well MW-11 – NW/4 of SW/4 of SW/4 of section 32 T. 5 S. R. 3 W 700 ft. north, 310 ft. east of SW corner.
 - f. Compliance Monitoring Well MW-13 – NW/4 of NW/4 of NW/4 of section 5 T. 6 S. R. 3 W 740 ft. east, 480 ft. south of NW corner.

- g. Compliance Monitoring Well MW-15 – SE/4 of SW/4 of SE/4 of section 32 T. 5 S. R. 3 W. 1750 ft. west, 140 ft. north of SE corner.
 - h. Compliance Monitoring Well MW-16 – NE/4 of NE/4 of NE/4 of section 5 T. 6 S. R. 3 W. 410 ft. west, 40 ft. south of NE corner.
 - i. Compliance Monitoring Well MW-17 – State plane coordinates 728,844.51 N., 1,807,822.13 W.
 - j. Compliance Monitoring Well MW-18 – State plane coordinates 729,671.55 N., 1,806,786.28 W.
 - k. Compliance Monitoring Well MW-19 – NE/4 of NW/4 of NW/4 of section 5 T. 6 S. R. 3 W 240 ft. south, 700 ft. east of NW corner.
3. Future Modification of the Monitoring Well Network – if at any time the executive Secretary determines the monitoring well network to be inadequate, Barrick shall submit within 30 days of receipt of notification, a response to the Executive Secretary letter, and if necessary, a plan and compliance schedule to modify the monitoring well network. Any required monitoring well construction shall conform to the criteria found in the EPA RCRA Ground Water Monitoring Technical Enforcement Guidance Document, 1986 OSWER-9950.1 (RCRA TEGD). Subsequent updates to this document shall be utilized as available and appropriate.
 4. Compliance Monitoring Period – Monitoring commenced upon the completion of the monitoring systems required by this permit, and shall continue through the life of the permit.
 5. Protection of Monitoring well Network – All compliance monitoring wells must be protected from damage due to surface vehicular traffic or other dangers or contamination due to surface spills. They shall be maintained in full operational condition for the life of this permit, unless otherwise authorized by the Executive Secretary. Any well that becomes damaged beyond repair or is rendered unusable for any reason will be replaced by the Permittee within 90 days or as directed by the executive Secretary.
 6. Barrick shall notify and request approval from the Executive Secretary in writing of any planned well abandonment or modification. Well abandonment shall comply with State Engineer regulations.
 7. Ground Water Quality Monitoring Frequency and Procedure Requirements:
 - a. Ground Water Level Measurements – Ground water level measurements shall be made in each monitoring well prior to any collection of ground water samples. These measurements will be made from a permanent single

reference point clearly demarcated on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot.

- b. Ground Water Monitoring Frequency – Groundwater measurements and analysis shall be conducted on a semi annual basis for all eleven monitoring wells. Semi-annual basis for all eleven monitoring wells. Semi-annual monitoring will be conducted during the first and third quarters during odd numbered years and during the second and fourth quarters during even numbered years. Monitoring will be reported to the Executive Secretary as per the requirements stipulated in Part I.I.1.
- c. Ground Water Quality Sampling – grab samples of ground water from all compliance monitoring wells will be collected for chemical analysis, in conformance with the quality Assurance Project Plan that has been approved by the Executive Secretary, Part I.J.1.
 - 1) Analysis by Certified laboratories – analysis of any ground water sample shall be performed by laboratories certified by the State Health Laboratory.
 - 2) Ground Water Analytical Methods – methods used to analyze ground water samples must comply with the following:
 - a) All methods cited in UAC R317-6-6.3A (13L, and
 - b) Have detection limits which are less than or equal to the ground water protection levels found in Part I C, Table 1. In the case of cadmium, cyanide (total) and nickel, the detection limits shall be less than or equal to 0.002 mg/l, 0.02 mg/l and 0.015 mg/l respectively.
 - 3) Analysis Parameters – the following analyses shall be conducted on all ground water samples collected:
 - a) Field parameters – pH, temperature, and specific conductance
 - b) Laboratory Parameters – including:
 - (i) Major Anions and Cations: including chloride, sulfate, carbonate, bicarbonate, sodium, potassium, magnesium and calcium.
 - (ii) Protection Level Parameters – found in Table 1 of Part IC, above.
 - (iii) Weak Acid Dissociable Cyanide

- (iv) Cyanide Amenable to Chlorination
- (v) Cyanide Degradation Products including: ammonia, nitrate and nitrite.

H. Non-Compliance Status

1. Probable Out of Compliance Based on Exceedance of Ground Water Protection Limits

Barrick shall evaluate the results of each round of ground water sampling and analysis to determine any exceedance of the ground water protection levels found in Table 1. Upon determination by Barrick that the data indicate a ground water protection level may have been exceeded at any downgradient compliance monitoring well, Barrick shall:

- a. Immediately resample the monitoring wells(s) found to be in probable out-of compliance, for protection level parameters that have been exceeded. Submit the analytical results thereof, and notify the Executive Secretary of the probable out of compliance status within 30 days of the determination of probable out of compliance.
- b. Immediately implement an accelerated schedule of monthly ground water sampling and analysis, consistent with the requirements of Section 5.0 in Appendix A. This monthly sampling will continue for at least two additional months for a total of three samples including the original compliance sample or until the compliance status can be determined by the Executive Secretary. Reports of the results of this sampling will be submitted to the Executive Secretary 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 Limits.

- a. Out of Compliance Status shall be defined as follows:
 - 1) For parameters that have been defined as detectable in the background and for which protection levels have been established based on 1.25 or 1.10 times the mean background concentration, out of compliance shall be determined by the use of control charts for intra-well comparisons in accordance with and EPA Interim Final Guidance Documents entitled "Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities", dated February, 1989 and July, 1992 draft addendum to the Interim Final Guidance. Any other compliance monitoring or statistical method used by Barrick must receive prior approval from Executive Secretary.

- 2) For parameters that have been defined as detectable in the background and for which protection levels have been established based on 0.25 times the ground water quality standard, out of compliance shall be defined as 3 consecutive samples exceeding the protection level and the mean background concentration by two standard deviations.
 - 3) For parameters that have background data sets between 50-85% non-detectable analyses, out-of compliance shall be defined as 3 consecutive samples from a compliance monitoring point exceeding the established protection level.
 - 4) For parameters that have been defined non-detectable in the background and for which protection limits have been determined based on 0.25 or 0.10 times the ground water quality standard or the limit of detection out-of-compliance shall be defined as 3 consecutive samples from a compliance monitoring point exceeding the established protection limit.
- b. Notification and Accelerated Monitoring – upon determination by the Permittee or the Executive Secretary, in accordance with UAC R317-6-6.17, that an out-of compliance status exists, the Permittee shall:
- 1) Verbally notify the Executive Secretary of the out-of compliance status or acknowledge Executive Secretary notice that such a status exists within 24 hours of determination, and
 - 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 standards will not be exceeded at the compliance monitoring wells.

I. Reporting Requirements

1. Ground Water Monitoring Report:

- a. Schedule – The sampling and analysis required in Part I, G 6, above, shall be reported according to Table 2, below.

Table 2 Compliance Monitoring Reporting Schedule

<u>Quarter</u>	<u>Report Due On</u>
1 st	(Jan., Feb., March) April 15
2 nd	(April, May, June) July 15
3 rd	(July, Aug., Sept.,) October 15
4 th	(Oct., Nov., Dec.) January 15

- b. Sampling and Analysis Report – will include:
- 1) Field Data Sheets – or copies thereof, including the field measurements, required in Part I G 6©(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, measured casing volume, volume of water purged before sampling.
 - 2) Results of Ground Water Analysis – including date sampled, date received, ion balance; 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.
 - 3) Ground Water Level Measurements – water level measurements from ground water monitoring wells will be reported in both measured depth to ground water and ground water elevation above mean sea level.

J. Compliance Schedule

1. Quality Assurance Project Plan – The water quality sampling, handling and analysis plan, Appendix A of the permit, shall be updated and/or modified as required by the Executive Secretary. The revised plan will be submitted for Executive Secretary approval, within 45 days following receipt of notice from the Executive Secretary, that updates or revisions to the plan are required. The revised document will replace the current Appendix A and is hereby incorporated by reference.
2. Final Tailing Impoundment Closure Plan – Final closure of the tailing impoundment shall constitute completion of dewatering of the tailing draindown and removal of the east bay, regrading of the east bay to blend with surrounding topography, and completion of the final engineered cover placement on the east bay. At the completion of closure activities, a construction quality assurance as-built report will be submitted within 180 days for approval of the Executive Secretary.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling.

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

B. Analytical Procedures.

Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3A(13)L, unless other test procedures have been specified in this permit or otherwise approved by the Executive Secretary.

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 reporting period specified in the permit, shall be submitted to the Executive Secretary, Utah Division of Water Quality at the following address no later than the 15th day of the month following the completed reporting period:

Attention: Keith Eagan/Ground Water Protection Section
State of Utah
Division of Water Quality
Department of Environmental Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

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 location, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;

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

H. Retention of Records.

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

I. Twenty-Four Hour Notice of Noncompliance Reporting.

1. The Permittee shall verbally report any non-compliance with permit conditions or limits as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances or determined otherwise. The Verbal 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) 538-5146, during normal business hours (8:00 am – 5:00 pm Mountain Time)
2. A written submission of any noncompliance with permit conditions or limits shall be provided to the Executive Secretary within five (5) days of the time that the Permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance;
 - b. The period of noncompliance, including 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.
 - e. When applicable, either an estimation of the quantity of material discharged to ground water, the tailing facility or an estimation of the quantity of material released outside containment structures.
3. Written reports shall be submitted to the addresses in part II D, Reporting of Monitoring Results.

J. Other Noncompliance Reporting.

Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II D are submitted.

K. Inspection and Entry.

The Permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises at reasonable time 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 Executive Secretary of the Utah 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.

F. Affirmative Defense.

In the event that a compliance actions is initiated against the Permittee for violation of permit conditions relating to best available technology or discharge minimization technology, the Permittee may affirmatively defend against that action by demonstrating the following:

1. The Permittee submitted notification according to part I.H.2.b.1 and Part II.I.1 and 2;

2. The failure was not intentional or caused by the Permittee's negligence, either in action or in failure to act;
3. The Permittee has taken adequate measures to meet permit conditions in a timely manner or has submitted to the Executive Secretary, for the Executive Secretary's approval, an adequate plan and schedule for meeting permit conditions; and
4. The provisions of 19-5-107 have not been violated.

IV. GENERAL REQUIREMENTS

A. Planned Changes

The Permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.

B. Anticipated Noncompliance.

The Permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. Spill Reporting.

The Permittee shall immediately report as per UCA 19-5-114 of the Utah Water Quality Act any accidental release from Valley fill Leach Area 2, Valley fill leach Area No. 3, the tailings impoundment or associated facilities which is not totally contained by a collection system. This report shall be made to the phone numbers given in part II I2. A written report will be required within 5 business days of the occurrence and should address the requirements of UCA 19-5-114 and Part II I 2. and 3 of this permit.

D. 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.

E. 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.

F. Duty to Provide Information.

The Permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.

G. Other Information.

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.

H. Signatory Requirements.

All applications, reports or information submitted to the executive Secretary shall be signed and certified.

1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer or by a duly authorized representative of that person;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,
 - b. The authorization specifies 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.H.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.H.2. must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I

am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- I. 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 both.
- J. Availability of Reports.
Except for data determined to be confidential by the Permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Executive Secretary. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall be considered confidential.
- K. Property Rights.
The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, no 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.
- L. 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.
- M. Transfers.
This permit may be automatically transferred to a new Permittee if:
1. The current Permittee notifies the Executive Secretary at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Executive Secretary does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement as described in Part IV.M.2, above.
- N. 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.

O. Reopener Provisions.

This permit may be reopened and modified pursuant to R317-6-6.6.B or R317-6-6.10.C 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. Changes have been determined in background ground water quality.

APPENDIX A
WATER QUALITY MONITORING
QUALITY ASSURANCE PROJECT PLAN

October 1, 1998

[On File]

APPENDIX B
VALLEY FILL LEACH AREA No. 3
CLOSURE PLAN
DECEMBER 1997

[On File]

APPENDIX C
VALLEY FILL LEACH AREA No. 2
CLOSURE PLAN
JULY 1995
[On File]

APPENDIX D

RESERVATION CANYON TAILING

IMPOUNDMENT SITE CHARACTERIZATION

AND FINAL CLOSURE DESIGN

JULY 30, 1999

[On File]