

**STATE OF ARIZONA
AQUIFER PROTECTION PERMIT NO. P-501916
PLACE ID 13861, LTF 76872
SIGNIFICANT AMENDMENT**

1.0 AUTHORIZATION

In compliance with the provisions of Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Articles 1, 2 and 3, Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Articles 1 and 2, A. A. C. Title 18, Chapter 11, Article 4 and amendments thereto, and the conditions set forth in this permit, the Arizona Department of Environmental Quality (ADEQ) is hereby authorizes the Arlington Valley, LLC owned by Capital Power Corporation (CPC) to operate three (3) surface impoundments (evaporation ponds) at the Arlington Valley Energy Facility located south of Elliot Road between 383rd and 387th avenues, in Arlington, Arizona, in Maricopa County, over groundwater of the Lower Hassayampa Basin, in Township 1 South, Range 6 West, Section 17, Gila and Salt River Base Line and Meridian.

This permit becomes effective on the date of the Water Quality Division Director's signature and shall be valid for the life of the facility (operational, closure, and post-closure periods) unless suspended or revoked pursuant to A.A.C. R18-9-A213. The permittee shall construct, operate and maintain the permitted facilities:

1. Following all the conditions of this permit including the design and operational information documented or referenced below, and
2. Such that Aquifer Water Quality Standards (AWQS) are not violated at the applicable point(s) of compliance (POC) set forth below or if an AWQS for a pollutant has been exceeded in an aquifer at the time of permit issuance, that no additional degradation of the aquifer relative to that pollutant and as determined at the applicable POC occurs as a result of the discharge from the facility.

1.1 PERMITTEE INFORMATION

Facility Name: Arlington Valley Energy Facility (AVEF)

Facility Address: 39027 W. Elliot Road
Arlington, Arizona 85322

County: Maricopa

Permittee: Arlington Valley, LLC
Permittee Address: P.O. Box 26
Arlington, AZ 85322

Annual Registration Fee Flow Rate: 237,600 gallons per day (gpd)

Facility Contact: Plant Manager
Emergency Phone No.: (623) 882-2223

Latitude/Longitude: 33° 20' 30" N/112° 53' 23" W and
Legal Description: Township 01S, Range 06W, Section 17, of the Gila and Salt River Baseline and Meridian

1.2 AUTHORIZING SIGNATURE

Trevor Baggio, Director, Water Quality Division
Arizona Department of Environmental Quality

Signed this _____ day of _____, 2019

THIS AMENDED PERMIT SUPERCEDES ALL PREVIOUS PERMITS

2.0 SPECIFIC CONDITIONS [A.R.S. §§ 49-203(4), 49-241(A)]

2.1 Facility / Site Description [A.R.S. § 49-243(K)(8)]

The Arlington Valley, LLC is authorized to operate the wastewater treatment system at the Arlington Valley Energy Facility (AVEF), a natural gas-fired, combined-cycle electric generating plant on approximately 320 acres. The plant uses advanced technology, high-efficiency gas combustion turbines in a combined cycle design producing a nominal 580 megawatts (MW). The major components of the power plant consist of natural gas-fired combustion turbines, heat recovery steam generators, a condensing steam turbine, a condenser cooling tower, and a process wastewater treatment and recovery system. The wastewater treatment system treats spent cooling water for reuse.

The Arlington Valley Energy Facility shall operate three evaporation ponds, two (2) existing evaporation ponds (Ponds A and B) and one new evaporation pond (Pond C), for evaporating wastewater generated from plant operations. The two (2) existing evaporation ponds (Ponds A and B) are approximately 800 feet long and 500 feet wide with 3:1 H:V (horizontal: vertical) sloped sides and occupies a total area of 20 acres. The depth of the ponds ranges from 10.5 to 13.5 feet with a total design capacity of approximately 56.3 million gallons (173 acre-feet). Each of the existing evaporation pond is double-lined with 60-mil high density polyethylene (HDPE) and is equipped with a Leakage Collection and Removal System (LCRS).

The new evaporation pond (Pond C) will be constructed south of the existing Pond A. Pond C has been designed similar to the existing Ponds A and B including the existing terracing and topography. Pond C is approximately 825 feet long and 540 feet wide with embankment slopes designed at a 3:1 H:V slope with the exception of the eastern Pond C embankment that has an external slope of 4:1 H:V to match the side slope of the eastern channel extension and occupies a total area of 10 acres. The average depth of the pond is 12 feet with a maximum capacity of approximately 29.8 million gallons (92 acre-feet). Pond C will consist of a 60-mil HDPE primary liner, a 200-mil HDPE drainage geonet, a 60-mil HDPE secondary liner, a low permeability geosynthetic clay liner (GCL) installed over a prepared subgrade. The drainage geonet installed between the primary and secondary liners will convey leakage through the primary liner to the LCRS collection system to be pumped back into Pond C.

The three (3) evaporation ponds (Ponds A, B and C) configuration is terraced, with Pond B elevated 4.5 feet above Pond A, and Pond A is elevated three (3) feet above Pond C. The evaporation ponds design allows individual or simultaneous filling. The evaporation ponds will maintain a minimum of two (2) feet of freeboard at all times and are designed to allow accumulation of salts for approximately 20 years. The facility may utilize an Evaporation Enhancement System (TurboMister) and/or Biological Control System. The Evaporation Enhancement System (EES) (TurboMister) increases the evaporation surface area of the evaporation ponds, and allows the facility to run at higher capacity. The EES may not cause overspray/misting outside of the ponds. The Biological Control System (BCS) reduces algae growth within the ponds. Any change in the BCS will require ADEQ approval.

The evaporation pond(s) receive a continuous wastewater stream at an annual average rate of approximately 74 gallons per minute (gpm). The discharge to the evaporation ponds consist of spent cooling water and wastewater generated from water treatment, including reverse osmosis (RO) reject, weak acid cation (WAC) exchanger waste, and mixed bed polisher regeneration wastewater. The discharge contains approximately 88,000 milligrams per liter (mg/L) of total dissolved solids (TDS). Precipitate from the evaporation process settle to the bottom of the evaporation pond(s). In addition, the discharge includes process chemicals to minimize corrosion and scaling of heat transfer surfaces. Cooling water will be chemically conditioned using various water treatment chemicals, including: dolomitic lime; soda ash; ferric chloride; sodium hydroxide; hydrochloric acid; sodium bisulfate; polymers; and scale inhibitors. Plant drains and chemical storage areas will drain to an oil/water separator for treatment. The oil/water separator is designed, constructed, operated, and maintained so as not to discharge and will be an exempt facility pursuant to A.R.S. § 49-250(B)(22).

The on-site drainage system, including the berms surrounding the evaporation ponds, has been designed for the 100-year, 6-hour storm event. Rainfall within the plant area will drain to a separate stormwater retention basin designed to store runoff from the 100-year, 2-hour storm event. The retention basin will be used solely to contain storm runoff and is an exempt facility pursuant to Arizona Revised Statute (A.R.S.) 49-250(B)(10). In addition to the evaporation ponds and stormwater retention basin, the facility will operate a septic system under a Type 4 General Aquifer Protection Permit for on-site wastewater treatment facilities.

Permit Amendment

ADEQ has reviewed and approved this significant amendment to make the following changes to the permit:

- Added a new double-lined 60-mil HDPE evaporation pond (Pond C) equipped with an LCRS.
- Revised alert levels for the Evaporation Pond Facility (defined as Ponds A, B and C) for the LCRS.
- Modification of the APP to include the ability utilize an Evaporation Enhancement System (TurboMister) and/or Biological Control System for algae control within any of the evaporation ponds.
- Update the APP to include revised closure and post-closure costs for the Evaporation Pond Facility (Pond A, B and C) from \$2,241,600.00 to \$3,137,236.00.
- Update the conceptual Point of Compliance (POC) locations.

The AVEF includes the following permitted discharging facilities:

Facility	Latitude	Longitude
Evaporation Pond A (center pond)	33° 20' 24" North	112° 53' 31" West
Evaporation Pond B (north pond)	33° 20' 32" North	112° 53' 31" West
Evaporation Pond C (south pond)	33° 20' 16" North	112° 53' 31" West

Annual Registration Fee [A.R.S. § 49-242 and A.A.C. R18-14-104]

The annual registration fee for this permit is payable to ADEQ each year. The permitted flow for fee calculation is 237,600 gallons per day (gpd).

Financial Capability [A.R.S. § 49-243(N) and A.A.C. R18-9-A203]

The permittee has demonstrated financial capability under A.R.S. § 49-243(N) and A.A.C. R18-9-A203. The estimated dollar amount for facility closure is \$3,137,236.00. The financial capability was demonstrated through A.A.C. R18-9-A203(C)(7).

2.2 Best Available Demonstrated Control Technology (BADCT)

[A.R.S. § 49-243(B) and A.A.C. R18-9-A202(A)(5)]

The BADCT demonstrated for this facility shall consist of a combination of the design of the wastewater management systems. Total containment of wastewater will be employed to provide pollution control at this facility. The wastewater treatment system and operational methods are included as part of the BADCT design. All quality assurance and control procedures applicable to construction of the containment structures and treatment components, as approved by ADEQ, shall be followed.

2.2.1 Engineering Design

The evaporation ponds are constructed in accordance with ADEQ approved plans containing the following design:

2.2.1.1 The subgrade consists of six inches of native soil compacted to 95% of maximum dry density according to the Standard Proctor Test.

2.2.1.2 The liner system consists of two (2) 60-mil high-density polyethylene (HDPE) liners

separated by a Leakage Collection and Removal System (LCRS).

2.2.1.3 The lower composite liner is composed of a 0.25-inch geosynthetic clay liner (GCL) beneath a 60-mil HDPE flexible membrane liner. The hydraulic conductivity of the GCL is approximately 5×10^{-9} cm/sec. The primary liner is a UV resistant 60-mil HDPE flexible membrane liner.

2.2.1.5 The LCRS consists of a 0.2-inch drainage geonet, a perforated collection pipe, a collection sump, and an automatic pump. The drainage layer shall be placed at a minimum 0.5 % slope to the collection sump and shall achieve a hydraulic conductivity of 1×10^{-2} cm/sec or greater. Solution from the LCRS will be directed to the collection sump for extraction and leakage monitoring. The capacity of the collection sump is approximately 2,050 gallons.

2.2.1.6 Each collection sump will be equipped with a dedicated pump that is sufficiently sized to evacuate fluids from the sump. Solution evacuated from the sump will be returned to the pond(s). The pumps will be operated by an automated system activated by water depth in the sump. A flow meter will be used to quantify volumes of fluid evacuated.

2.2.1.7 All materials used in the construction of the impoundments are compatible with the solutions discharged into them.

2.2.1.8 All liner components are secured by an engineered trench.

2.2.2 Site-specific Characteristics

Not applicable.

2.2.3 Pre-operational Requirements

The permittee shall submit a signed, dated and sealed Engineer's Certificate of Completion (ECOC) for the Evaporation Pond C within 90 days of completion of construction per Section 3.0, Compliance Schedule Items, # 3.3, of the permit.

2.2.4 Operational Requirements

1. The permittee shall maintain a copy of the up-to-date operations and maintenance manual at the treatment facility site at all times; the manual shall be available upon request during inspections by ADEQ personnel.
2. The pollution control structures shall be inspected for the items listed in Section 4.2, Table 4.2.1 - Facility Inspection (Operational Monitoring).
3. If any damage of the pollution control structures is identified during inspection, proper repair procedures shall be performed. All repair procedures and materials used shall be documented in the facility log book as per Section 2.7.2 and reported to ADEQ in the event of a violation or exceedance as per Section 2.7.3.

2.2.4.1 Processes and Operational Methods

Makeup water for the cooling tower system is supplied by groundwater from the on-site production wells. The annual average groundwater pumpage rate for the cooling towers will be approximately 3,600 gallons per minute (gpm). To maximize the cycles of concentration, cooling tower blowdown will be treated and recycled back as part of the makeup water to the cooling tower. The industrial wastewater treatment system, designed for the recovery of cooling tower blowdown and the production of boiler feed water, includes a solids contact clarifier, a filter press, three (3) weak acid cation (WAC) exchanger units, a decarbonator, and two (2) reverse osmosis (RO) systems. The cooling tower blowdown recovery system also includes equipment for backwashing the gravity filter, a regeneration system for the WAC exchangers, a RO cleaning system, a hydrochloric acid storage tank, a sodium hydroxide storage tank, and waste

neutralization. The demineralization system, for the production of boiler feed water consists of a second RO unit, a polishing mixed bed exchanger, and an acid and caustic regeneration system. Plant drains and chemical storage areas drain to an oil/water separator for treatment. Effluent from the oil/water separator will be recycled to the cooling tower for reuse. Residues collected in the separator will be profiled as needed and disposed of off-site at a state-approved waste disposal facility.

The pond design allows either individual or simultaneous filling. Flow will be directed to the ponds via a 4-inch diameter conveyance pipe with valves to regulate the flows into each pond. Maintenance of the ponds will consist of mechanical and electrical maintenance and liner repair. If liner repair is required, wastewater will be transferred to an adjacent pond using a portable transfer pump.

Any leakage through the primary liner will be conveyed through the drainage geonet and into a collection sump. Solution collected in the sump(s) will be evacuated back into the evaporation pond using submersible pump(s) with a minimum capacity of 25 gpm or 36,000 gallons per day (gpd). The submersible pumps can be removed for repair or replacement in the case of malfunction. Larger pumps will be deployed if higher flow rates occur. An automated system will activate the pump when the water level in the sump is two (2) feet deep and pumping will continue until the water level has returned to one (1) foot deep. The automated system will activate an alarm when the water level rises to a depth of 2.75 feet, indicating that the pump is malfunctioning. Flows evacuated from the collection sump will be measured and totaled.

2.3 Discharge Limitations [A.R.S. §§ 49-201(14), 49-243 and A.A.C. R18-9-A205 (B)]

The permittee shall operate and maintain all permitted facilities to prevent unauthorized discharges pursuant to A.R.S. § 49-201(12) resulting from failure or bypassing of BADCT pollutant control technologies including liner failure, uncontrollable leakage, berm breaches that result in an unexpected loss of fluid, accidental spills, or other unauthorized discharges. Liner failure in a single-lined impoundment is any condition that would result in leakage exceeding 550 gallons per day per acre.

2.3.1 Discharge Limitations for the Evaporation Ponds

The evaporation ponds shall occupy an area of approximately 30 acres with a total designed storage capacity of 86 million gallons. The impoundments shall be operated to maintain a minimum of two (2) feet of freeboard at all times. Authorized materials discharged to the ponds shall be restricted to cooling tower blowdown (spent cooling water) and process wastewater generated from the plant associated with the aforementioned operations. Sludge collected from the oil/water separator shall be properly characterized and disposed of at a state-approved facility. The oil/water separator(s) shall be designed to meet the recommended performance criteria described in ADEQ’s oil/water separator guidance document and shall be properly maintained and operated so as not to discharge.

2.4 Point of Compliance (POC) [A.R.S. § 49-244]

The non-hazardous Points of Compliance (POC) have been established at the following locations:

POC #	POC Location	Latitude	Longitude
POC # 1	Halfway along the eastern perimeter of Pond C	33° 20' 15" North	112° 53' 26" West
POC # 2	Halfway along the southern perimeter of Pond C	33° 20' 10" North	112° 53' 32" West

The POCs are conceptual; groundwater monitoring is not required at the POCs at permit issuance. The Director may designate additional points of compliance if information on groundwater gradients or groundwater usage indicates the need.

2.5 Monitoring Requirements [A.R.S. § 49-243(K)(1), A.A.C. R18-9-A206(A)]

Unless otherwise specified in this permit, all monitoring required in this permit shall continue for the duration of the permit, regardless of the status of the facility. Unless otherwise provided, monitoring shall commence the first full monitoring period following permit issuance. All sampling, preservation and holding times shall be in accordance with currently accepted standards of professional practice. Trip blanks, equipment blanks and duplicate samples shall also be obtained, and Chain-of-Custody procedures shall be followed, in accordance with currently accepted standards of professional practice. Copies of laboratory analyses and Chain-of-Custody forms shall be maintained at the permitted facility. Upon request, these documents shall be made immediately available for review by ADEQ personnel.

2.5.1 Pre-Operational Monitoring

Not required under the terms of this permit.

2.5.2 Discharge Monitoring

Not required under the terms of this permit.

2.5.3 Facility / Operational Monitoring

At a minimum, permitted facilities shall be inspected for performance levels listed in Section 4.2, Table 4.2.1. If damage is identified during an inspection that could cause or contribute to an unauthorized discharge pursuant to A.R.S. § 49-201(12), proper repairs shall be promptly performed. Results of these inspections and monitoring activities shall be documented and maintained at the facility location for at least 10 years, and as required by Section 2.7.2 of this permit.

2.5.4 Groundwater Monitoring and Sampling Protocols

Groundwater monitoring is not required under the terms of this permit.

2.5.5 Surface Water Monitoring and Sampling Protocols

Routine surface water monitoring is not required under the terms of this permit.

2.5.6 Analytical Methodology

All samples collected for compliance monitoring shall be analyzed using Arizona state-approved methods. If no state-approved method exists, then any appropriate EPA-approved method shall be used. Regardless of the method used, the detection limits must be sufficient to determine compliance with the regulatory limits of the parameters specified in this permit. If all methods have detection limits higher than the applicable limit, the permittee shall follow the applicable contingency requirements of Section 2.6 and may propose “other actions” including amending the permit to set higher limits. Analyses shall be performed by a laboratory licensed by the Arizona Department of Health Services, Office of Laboratory Licensure and Certification unless exempted under A.R.S. § 36-495.02. For results to be considered valid, all analytical work shall meet quality control standards specified in the approved methods. A list of Arizona state-certified laboratories can be obtained at the address below:

Arizona Department of Health Services
Office of Laboratory Licensure and Certification
250 North 17th Avenue
Phoenix, Arizona 85007
Phone: (602) 364-0720

2.5.7 Installation and Maintenance of Monitoring Equipment

Monitoring equipment required by this permit shall be installed and maintained so that representative samples required by the permit can be collected. If new groundwater wells are determined to be necessary, the construction details shall be submitted to the Groundwater Protection Value Stream for approval prior to installation and the permit shall be amended to include any new monitoring points.

2.6 Contingency Plan Requirements

[A.R.S. § 49-243(K)(3), (K)(7) and A.A.C. R18-9-A204 and R18-9-A205]

2.6.1 General Contingency Plan Requirements

At least one copy of this permit and the approved contingency and emergency response plan shall be maintained at the location where day-to-day decisions regarding the operation of the facility are made. The permittee shall be aware of and follow the contingency and emergency plans.

Any AL exceedance, or violation of an AQL, DL, or other permit condition shall be reported to ADEQ following the reporting requirements in Section 2.7.3.

Some contingency actions involve verification sampling. Verification sampling shall consist of the first follow-up sample collected from a location that previously indicated a violation or the exceedance of an AL. Collection and analysis of the verification sample shall use the same protocols and test methods to analyze for the pollutant or pollutants that exceeded an AL or violated an AQL or DL. The permittee is subject to enforcement action for the failure to comply with any contingency actions in this permit. Where verification sampling is specified in this permit, it is the option of the permittee to perform such sampling. If verification sampling is not conducted within the timeframe allotted, ADEQ and the permittee shall presume the initial sampling result to be confirmed as if verification sampling had been conducted. The permittee is responsible for compliance with contingency plans relating to the exceedance of an AL or violation of a DL, AQL or any other permit condition.

2.6.2 Exceeding of Alert Levels and Performance Levels

2.6.2.1 Exceeding of Performance Levels Set for Operational Conditions

2.6.2.1.1 Performance Levels Set for Freeboard

In the event that freeboard performance levels required by Section 4.2 Table 4.2.1 in an evaporation pond are not maintained, the permittee shall:

1. As soon as practicable, cease or reduce discharging to the impoundment to prevent overtopping. Remove and properly dispose or recycle to other operations the excess fluid in the reservoir until the water level is restored at or below the permitted freeboard limit.
2. Within 5 days of discovery, evaluate the cause of the incident and adjust operational conditions or identify design improvements to the affected system as necessary to avoid future occurrences.
3. Within 30 days of discovery, initiate repairs to the affected system, structure, or other component as necessary to return the system to compliance with this permit or remove the affected system(s) from service as specified in Section 2.8 (Temporary Cessation) and Section 2.9 (Closure) of this permit. Record any repair procedures, methods, and materials used to restore the facility to operating condition in the facility log/recordkeeping file.
4. If design improvements are necessary, submit an amendment application within 90 days of discovery.
5. The facility is no longer on alert status once the operational indicator no longer indicates that the freeboard performance level is being exceeded. The permittee shall, however, complete all tasks necessary to return the facility to its pre-alert operating condition.

2.6.2.1.2 Performance Levels, Other Than Freeboard

1. If an operational performance level (PL) listed in Section 4.2, Table 4.2.1 has been observed or noted during required inspection and operational monitoring, such that the result could cause or contribute to an unauthorized discharge, the permittee shall immediately

investigate to determine the cause of the condition. The investigation shall include the following:

- a. Inspection, testing, and assessment of the current condition of all treatment or pollutant discharge control systems that may have contributed to the operational performance condition.
 - b. Review of recent process logs, reports, and other operational control information to identify any unusual occurrences.
2. The PL exceedance, results of the investigation, and any corrective action taken shall be reported to the Groundwater Protection Value Stream, within 30 days of the discovery of the condition. Upon review of the submitted report, the Department may amend the permit to require additional monitoring, increased frequency of monitoring, or other actions.
 3. The permittee shall initiate actions identified in the approved contingency plan referenced in Section 5 and any necessary contingency measures to resolve problems identified by the investigation which may have led to a PL being exceeded. To implement any other corrective action the permittee may choose to obtain prior approval from ADEQ according to Section 2.6.6.

2.6.2.2 Exceeding of Alert Levels Set for the Leak Collection and Removal System

2.6.2.2.1. Alert Level 1 (AL1) Set for Leakage Rate in Leak Collection and Removal System (LCRS)

If the AL1 for the leakage rate in the Evaporation Pond sump specified in Section 4.2, Table 4.2.2 has been exceeded, the permittee shall:

- a. Increase monitoring in sump to daily until rate is below AL1.
- b. Assess the cause of excess fluid in the sump through testing or a liner evaluation as necessary to correct the exceedances such that the daily rate of fluid collected in the sump is below AL1.
- c. Within 5 days of discovery, notify Groundwater Protection Value Stream in accordance with Section 2.7.3 (Permit Violation and AL Status Reporting).
- d. Within 30 days of discovery, submit a written report documenting the steps taken to correct the AL exceedance (if any were necessary) to the ADEQ Groundwater Value Stream according to Section 2.7.3(2).

2.6.2.2.2. Alert Level 2 (AL2) Set for Set for Leakage Rate in Leak Collection and Removal System (LCRS)

If the AL2 for the leakage rate in the Evaporation Pond sump specified in Section 4.2, Table 4.2.2 has been exceeded, the permittee shall:

- a. Within 5 days of discovery, notify Groundwater Protection Value Stream in accordance with Section 2.7.3 (Permit Violation and AL Status Reporting).
- b. Within 10 days of discovery, collect a sump sample for analysis to compare with waste characterization for the Evaporation Pond to determine if water in sump is due to liner leakage.
- c. Immediately cease or reduce discharge to the pond, whichever is necessary to correct the exceedance.
- d. Within 15 days of discovery, assess the condition of the liner system using visual methods, electrical leak detection, or other methods as applicable.
- e. Within 30 days of exceeding the AL2, submit a report to ADEQ's Groundwater Protection Value Stream as specified in Section 2.7.3 (Permit Violation and AL Status Reporting). The report shall address problems identified from the assessment of the liner system, source of the fluid, and any other actions taken to minimize the future occurrences. The report shall include the results of the liner evaluation, methods used to locate the leak, the repair procedures implemented to restore the liner to optimal

operational status, and other information necessary to ensure that future occurrence of the incidence will be minimized. ADEQ may request additional action if necessary to address problems identified from the assessment of the liner system and other applicable repair procedures.

- f. Within 30 days of exceeding the AL2, submit for approval to ADEQ's Groundwater Protection Value Stream, a corrective action plan to address problems identified from the assessment of the liner system if problems are not corrected in Item (e) above. At the direction of ADEQ, the permittee shall implement the approved plan.
- g. Within 30 days of completion of corrective actions and no later than 90 days after receiving approval to implement the corrective action plan, submit to ADEQ's Groundwater Protection Value Stream, a written report as specified in Section 2.6.6 (Corrective Actions).
- h. The facility is no longer on alert status once the operational indicator no longer indicates that the AL2 is being exceeded. The permittee shall, however, complete all tasks necessary to return the facility to its pre-alert operating condition.

2.6.3 Discharge Limit Violation

2.6.3.1 Liner Failure, Containment Structure Failure, Leak Collection and Removal System (LCRS), or Unexpected Loss of Fluid

In the event of overtopping, liner failure, containment structure failure, Leak Collection and Removal System (LCRS), or unexpected loss of fluid as described in Section 2.3, the permittee shall take the following actions:

1. As soon as practicable, cease all discharges as necessary to prevent any further releases to the environment, including removal of any fluid remaining in the impoundment as necessary, and capture and containment of all escaped fluids.
2. Within 24 hours of discovery, notify Groundwater Protection Value Stream,
3. Within 24 hours of discovery of a failure estimate the quantity released, collect representative samples of the fluid remaining in affected impoundments and drainage structures, analyze sample(s) according to Section 4.3, Table 4.3.1 and report in accordance with Section 2.7.3 (Permit Violation and AL Status Reporting). In the 30-day report required under Section 2.7.3, include a copy of the analytical results and forward the report to Groundwater Protection Value Stream.
4. Within 15 days of discovery, initiate an evaluation to determine the cause for the incident. Identify the circumstances that resulted in the failure and assess the condition of the discharging facility and liner system. Implement corrective actions as necessary to resolve the problems identified in the evaluation. Initiate repairs to any failed liner, system, structure, or other component as needed to restore proper functioning of the discharging facility. The permittee shall not resume discharge to the facility until repairs of any failed liner or structure are performed.

Repair procedures, methods, and materials used to restore the system(s) to proper operating condition shall be described in the facility log/recordkeeping file and available for ADEQ review. Record in the facility log/recordkeeping file the amount of fluid released, a description of any removal method and volume of any fluid removed from the impoundment and/or captured from the release area. The facility log/recordkeeping file shall be maintained according to Section 2.7.2 (Operation Inspection / Log Book/Recordkeeping File).

6. Within 30 days of discovery of the incident, submit a report to Groundwater Protection Value Stream as specified in Section 2.7.3. Include a description of the actions performed in Subsections 1 through 5 listed above. Upon review of the report, ADEQ may request additional monitoring or remedial actions.
7. Within 60 days of discovery, conduct an assessment of the impacts to soil and/or groundwater resulting from the incident. If soil or groundwater is impacted such that it could or did cause or contribute to an exceedance of an AQL at the applicable point of compliance, submit to ADEQ, for approval, a corrective action plan to address such

- impacts, including identification of remedial actions and a schedule for completion of activities. At the approval of ADEQ, the permittee shall implement the approved plan.
8. Within 30 days of completion of corrective actions, submit to Groundwater Protection Value Stream, a written report as specified in Section 2.6.6 (Corrective Actions).
 9. Upon review of the report, ADEQ may amend the permit to require additional monitoring, increased frequency of monitoring, amendments to permit conditions, or other actions.

2.6.3.2 Overtopping of a Surface Impoundment

If overtopping of fluid from a permitted surface impoundment occurs, and results in a discharge pursuant to A.R.S. § 49-201(12), the permittee shall:

1. As soon as practicable, cease all discharges to the surface impoundment to prevent any further releases to the environment.
2. Within 24 hours of discovery, notify Groundwater Protection Value Stream.
3. Within 24 hours, collect representative samples of the fluid contained in the surface impoundment. Samples shall be analyzed for the parameters specified in Section 4.2, Table 4.3.1. Within 30 days of the incident, submit a copy of the analytical results to Groundwater Protection Value Stream.
4. As soon as practicable, remove and properly dispose of excess water in the impoundment until the water level is restored at or below the appropriate freeboard as described in Section 4.3, Table 4.3.1. Record in the facility log/recordkeeping file the amount of fluid released, a description of the removal method and volume of any fluid removed from the impoundment and/or captured from the release area. The facility log/recordkeeping file shall be maintained according to Section 2.7.2 (Operation Inspection/Log Book/Recordkeeping File).
5. Within 30 days of discovery, evaluate the cause of the overtopping and identify the circumstances that resulted in the incident. Implement corrective actions and adjust operational conditions as necessary to resolve the problems identified in the evaluation. Repair any systems as necessary to prevent future occurrences of overtopping.
6. Within 30 days of discovery of overtopping, submit a report to ADEQ as specified in Section 2.7.3(2) (Permit Violation and Alert Level Status Reporting). Include a description of the actions performed in Subsections 1 through 5 listed above. Upon review of the report, ADEQ may request additional monitoring or remedial actions.
7. Within 60 days of discovery, and based on sampling in Item No. 3 above, conduct an assessment of the impacts to the subsoil and/or groundwater resulting from the incident.
8. If soil or groundwater is impacted such that it could cause or contribute to an exceedance of an AQL at the applicable point of compliance, submit to ADEQ for approval, a corrective action plan to address such impacts, including identification of remedial actions and/or monitoring, and a schedule for completion of activities. At the direction of ADEQ, the permittee shall implement the approved plan.
9. Within 30 days of completion of corrective actions, submit to ADEQ, a written report as specified in Section 2.6.6 (Corrective Actions). Upon review of the report, ADEQ may amend the permit to require additional monitoring, increased frequency of monitoring, amendments to permit conditions, or other actions.

2.6.3.3 Inflows of Unexpected Materials to a Surface Impoundment

The types of materials that are expected to be placed in the permitted surface impoundments are specified in Section 2.3 (Discharge Limitations). If any unexpected materials flow to a permitted surface impoundment, the permittee shall:

1. As soon as practicable, cease all unexpected inflows to the surface impoundment(s).
2. Within 24-hours of discovery, notify Groundwater Protection Value Stream.
3. Within five (5) days of the incident, identify the source of the material and determine the cause for the inflow. Characterize the unexpected material and contents of the affected

impoundment and evaluate the volume and concentration of the material to determine if it is compatible with the surface impoundment liner. Based on the evaluation of the incident, repair any systems or equipment and/or adjust operations, as necessary to prevent future occurrences of inflows of unexpected materials.

4. Within 30 days of an inflow of unexpected materials, submit a report to ADEQ as specified in Section 2.7.3(2) (Permit Violation and Alert Level Status Reporting). Include a description of the actions performed in Subsections 1 through 3 listed above.
5. Upon review of the report, ADEQ may amend the permit to require additional monitoring, increased frequency of monitoring, amendments to permit conditions, or other actions including remediation.

2.6.4 Aquifer Quality Limit Violation

Not applicable - Groundwater monitoring is not required under this permit.

2.6.5 Emergency Response and Contingency Requirements for Unauthorized Discharges pursuant to A.R.S. § 49-201(12) and pursuant to A.R.S. § 49-241

2.6.5.1 Duty to Respond

The permittee shall act immediately to correct any condition resulting from a discharge pursuant to A.R.S. § 49-201(12) if that condition could pose an imminent and substantial endangerment to public health or the environment.

2.6.5.2 Discharge of Hazardous Substances or Toxic Pollutants

In the event of any unauthorized discharge pursuant to A.R.S. § 49-201(12) of suspected hazardous substances (A.R.S. § 49-201(19)) or toxic pollutants (A.R.S. § 49-243(I)) on the facility site, the permittee shall promptly isolate the area and attempt to identify the discharged material. The permittee shall record information, including name, nature of exposure and follow-up medical treatment, if necessary, on persons who may have been exposed during the incident. The permittee shall notify the Groundwater Protection Value Stream within 24 hours of discovering the discharge of hazardous material which (a) has the potential to cause an AWQS or AQL exceedance, or (b) could pose an endangerment to public health or the environment.

2.6.5.3 Discharge of Non-hazardous Materials

In the event of any unauthorized discharge pursuant to A.R.S. § 49-201(12) of non-hazardous materials from the facility, the permittee shall promptly attempt to cease the discharge and isolate the discharged material. Discharged material shall be removed and the site cleaned up as soon as possible. The permittee shall notify the Groundwater Protection Value Stream within 24 hours of discovering the discharge of non-hazardous material which has the potential to cause an AQL exceedance or could pose an endangerment to public health or the environment.

2.6.5.4 Reporting Requirements

The permittee shall submit a written report for any unauthorized discharges reported under Sections 2.6.5.2 and 2.6.5.3 to the Groundwater Protection Value Stream within 30 days of the discharge or as required by subsequent ADEQ action. The report shall summarize the event, including any human exposure, and facility response activities and include all information specified in Section 2.7.3. If a notice is issued by ADEQ subsequent to the discharge notification, any additional information requested in the notice shall also be submitted within the time frame specified in the notice. Upon review of the submitted report, ADEQ may require additional monitoring or corrective actions.

2.6.6 Corrective Actions

Specific contingency measures identified in Section 2.6 have already been approved by ADEQ and do not require written approval to implement.

With the exception of emergency response actions taken under Section 2.6.5, the permittee shall obtain written approval from the Groundwater Protection Value Stream prior to implementing a corrective action to accomplish any of the following goals in response to exceedance of an AQL or violation of an AQL, DL, or other permit condition:

1. Control of the source of an unauthorized discharge;
2. Soil cleanup;
3. Cleanup of affected surface waters;
4. Cleanup of affected parts of the aquifer;
5. Mitigation to limit the impact of pollutants on existing uses of the aquifer.

Within 30 days of completion of any corrective action, the operator shall submit to the Groundwater Protection Value Stream, a written report describing the causes, impacts, and actions taken to resolve the problem.

2.7 Reporting and Recordkeeping Requirements

[A.R.S. § 49-243(K)(2) and A.A.C. R18-9-A206(B) and R18-9-A207]

2.7.1 Self-Monitoring Report Form

Not required

2.7.2 Operation Inspection / Log Book Recordkeeping

A signed copy of this permit shall be maintained at all times at the location where day-to-day decisions regarding the operation of the facility are made. A log book (paper copies, forms, or electronic data) of the inspections and measurements required by this permit shall be maintained at the location where day-to-day decisions are made regarding the operation of the facility. The log book shall be retained for ten years from the date of each inspection, and upon request, the permit and the log book shall be made immediately available for review by ADEQ personnel. The information in the log book shall include, but not be limited to, the following information as applicable:

1. Name of inspector;
2. Date and time inspection was conducted;
3. Condition of applicable facility components;
4. Any damage or malfunction, and the date and time any repairs were performed;
5. Documentation of sampling date and time; and
6. Any other information required by this permit to be entered in the log book.
7. Monitoring records for each measurement shall comply with A.A.C. R18-9-A206(B).

2.7.3 Permit Violation and Alert Level Status Reporting

1. The permittee shall notify the Groundwater Protection Value Stream in writing within five days (except as provided in Section 2.6.5) of becoming aware of a violation of any permit condition, discharge limitation, or of an AL exceedance.
2. The permittee shall submit a written report to the Groundwater Protection Value Stream within 30 days of becoming aware of the violation of any permit condition, AQL, or DL. The report shall document all of the following:
 - a. Identification and description of the permit condition for which there has been a violation and a description of the cause;
 - b. The period of violation including exact date(s) and time(s), if known, and the anticipated time period during which the violation is expected to continue;
 - c. Any corrective action taken or planned to mitigate the effects of the violation, or to eliminate or prevent a recurrence of the violation;
 - d. Any monitoring activity or other information which indicates that any pollutants would be reasonably expected to cause a violation of an AWQS;

- e. Proposed changes to the monitoring which include changes in constituents or increased frequency of monitoring; and
- f. Description of any malfunction or failure of pollution control devices or other equipment or processes.

2.7.4 Operational, Other or Miscellaneous Reporting

The permittee shall record the information as required in Section 4.2, Tables 4.2.1 and 4.2.2 in the facility log book as per Section 2.7.2, and report to the Groundwater Protection Value Stream any violations or exceedances as per Section 2.7.3.

2.7.5 Reporting Location

Not Required - No SMRF reporting under this permit.

All other documents required by this permit to be submitted to the Groundwater Protection Value Stream shall be directed to:

Arizona Department of Environmental Quality
Groundwater Protection Value Stream
Mail Code 5415B-3
1110 West Washington Street
Phoenix, Arizona 85007
Phone (602) 771-4999

2.7.6 Reporting Deadline

Not Required - No SMRF reporting under this permit.

2.7.7 Changes to Facility Information in Section 1.0

The Groundwater Protection Value Stream shall be notified within ten days of any change of facility information including Facility Name, Permittee Name, Mailing or Street Address, Facility Contact Person, or Emergency Telephone Number.

2.8 Temporary Cessation [A.R.S. § 49-243(K)(8) and A.A.C. R18-9-A209(A)]

The permittee shall give written notice to the Groundwater Protection Value Stream before ceasing operation of the facility for a period of 60 days or greater. The permittee shall take the following measures upon temporary cessation:

1. If applicable, direct the wastewater flows from the facility to another state-approved wastewater treatment facility;
2. Correct the problem that caused the temporary cessation of the facility; and
3. Notify the Groundwater Protection Value Stream with a monthly facility status report describing the activities conducted on the treatment facility to correct the problem.

At the time of notification, the permittee shall submit for ADEQ approval a plan for maintenance of discharge control systems and for monitoring during the period of temporary cessation. Immediately following ADEQ approval, the permittee shall implement the approved plan. If necessary, ADEQ shall amend permit conditions to incorporate conditions to address temporary cessation. During the period of temporary cessation, the permittee shall provide written notice to the Groundwater Protection Value Stream of the operational status of the facility every three years. If the permittee intends to permanently cease operation of any facility, the permittee shall submit closure notification, as set forth in Section 2.9 below.

2.9 Closure [A.R.S. §§ 49-243(K)(6), 49-252 and A.A.C. R18-9-A209(B)]

For a facility addressed under this permit, the permittee shall give written notice of closure to the Groundwater Protection Value Stream of the intent to cease operation without resuming activity for which the facility was designed or operated. Submittal of SMRFs is still required; report "closure in process" in the comment section.

2.9.1 Closure Plan

Within 90 days following notification of closure, the permittee shall submit for approval to the Groundwater Protection Value Stream, a closure plan which meets the requirements of A.R.S. § 49-252 and A.A.C. R18-9-A209(B)(3).

If the closure plan achieves clean-closure immediately, ADEQ shall issue a letter of approval to the permittee. If the closure plan contains a schedule for bringing the facility to a clean-closure configuration at a future date, ADEQ may incorporate any part of the schedule as an amendment to this permit.

2.9.2 Closure Completion

Upon completion of closure activities, the permittee shall give written notice to the Groundwater Protection Value Stream indicating that the approved closure plan has been implemented fully and providing supporting documentation to demonstrate that clean-closure has been achieved (soil sample results, verification sampling results, groundwater data, as applicable). If clean-closure has been achieved, ADEQ shall issue a letter of approval to the permittee at that time. If any of the following conditions apply, the permittee shall follow the terms of post-closure stated in this permit:

1. Clean-closure cannot be achieved at the time of closure notification or within one year thereafter under a diligent schedule of closure actions;
2. Further action is necessary to keep the facility in compliance with the AWQS at the applicable POC;
3. Continued action is required to verify that the closure design has eliminated discharge to the extent intended;
4. Remediation or mitigation measures are necessary to achieve compliance with Title 49, Ch. 2; and
5. Further action is necessary to meet property use restrictions.

2.10 Post-closure [A.R.S. §§ 49-243(K)(6), 49-252 and A.A.C. R18-9 A209(C)]

Post-closure requirements shall be established based on a review of facility closure actions and will be subject to review and approval by the Groundwater Protection Value Stream.

In the event clean-closure cannot be achieved pursuant to A.R.S. § 49-252, the permittee shall submit for approval to the Groundwater Protection Value Stream a post-closure plan that addresses post-closure maintenance and monitoring actions at the facility. The post-closure plan shall meet all requirements of A.R.S. §§ 49-201(30) and 49-252 and A.A.C. R18-9-A209(C). Upon approval of the post-closure plan, this permit shall be amended, or a new permit shall be issued to incorporate all post-closure controls and monitoring activities of the post-closure plan.

2.10.1 Post-Closure Plan

A specific post-closure plan may be required upon the review of the closure plan.

2.10.2 Post-Closure Completion

Not required at the time of permit issuance.

3.0 COMPLIANCE SCHEDULE [A.R.S. § 49-243(K)(5) and A.A.C. R18-9-A208]

Unless otherwise indicated, for each compliance schedule item listed below, the permittee shall submit the required information to the Groundwater Protection Value Stream.

No.	Description	Due by:	Permit Amendment Required?
3.1	The permittee shall submit a demonstration that the financial assurance mechanism listed in Section 2.1, Financial Capability, is being maintained as per A.R.S. 49-243.N.4 and A.A.C. R18-9-A203(H) for all estimated closure and post-closure costs including updated costs submitted under Section 3.2, below. The demonstration shall include a statement that the closure and post-closure strategy has not changed, the discharging facilities listed in the permit have not been altered in a manner that would affect the closure and post-closure costs and discharging facilities have not been added. The demonstration shall also include information in support of a cash deposit as required in A.A.C. R18-9-A203(C)(7).	January 15, 2025 and every six (6) years, for the duration of the permit.	No
3.2	The permittee shall submit updated cost estimates for facility closure and post-closure, as per A.A.C. R18-9-A201 (B)(5) and A.R.S. 49-243.N.2.a.	By January 15, 2025 and every 6 years thereafter.	Yes
3.3	The permittee shall submit Engineer's Certificate of Completion, as-built plans, QA/QC reports for the construction of Evaporation Pond C.	Within 90 days of completion of the construction of the evaporation pond.	No

4.0 TABLES OF MONITORING REQUIREMENTS

4.1 PRE-OPERATIONAL MONITORING (OR CONSTRUCTION REQUIREMENTS)

Not applicable at permit issuance

4.2 COMPLIANCE (or OPERATIONAL) MONITORING

TABLE 4.2.1: Facility Inspections Monitoring

TABLE 4.2.2: Leakage Collection and Removal System Monitoring

4.3 CONTINGENCY MONITORING

TABLE 4.3.1: Contingency Discharge Characterization for BADCT Failures And/Or Overtopping

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4.2 COMPLIANCE (or OPERATIONAL) MONITORING

TABLE 4.2.1
FACILITY INSPECTION - LOG BOOK¹ - No SMRFs
EVAPORATION PONDS (A, B and C)

Pollution Control Structure/Parameter	Performance Level	Inspection Frequency
Evaporation Pond Freeboard	Minimum of two (2) feet	Weekly
Pond Fluid Level	No unexpected or sudden loss	Weekly and after a significant storm or other natural disaster
Upper Liner Integrity	No visible tears, punctures, cracks, deformities, or other damage due to sunlight, wind, weather, debris, vegetation, animals, or other adverse conditions	Weekly and after a significant storm or other natural disaster
Berm Integrity	No visible structural damage, breach, erosion of embankments, or seepage	Weekly and after a significant storm or other natural disaster
Leak Collection and Removal System (LCRS)	No obstruction in the inspection sump, fluid level maintained below sump capacity, pump(s) maintained in good operational condition	Weekly and after a significant storm or other natural disaster
Flow Meter, Solution-Level Sensor, Chart Recorder, or other measuring device	Maintained for operational conditions	Weekly

¹ The permittee shall record the inspection performance levels in a log book as per Section 2.7.2 and report any violations or exceedances as per Section 2.7.3. In the case of an exceedance, identify which structure exceeds the performance level in the log book.

4.2 COMPLIANCE (or OPERATIONAL) MONITORING

TABLE 4.2.2
LEAK COLLECTION REMOVAL SYSTEM MONITORING - Log Book²- No SMRFs

LCRS Sump	Parameter	AL1 ³ (gpd)	AL2 ⁴ (gpd)	Monitoring ⁵ Method	Monitoring Frequency	Latitude	Longitude
Evaporation Pond A	Liquid Pumped ⁶	10,315	103,149	Automated Flow Meter	Weekly	33° 20' 24" N	112° 53' 31" W
Evaporation Pond B	Liquid Pumped	10,315	103,149	Automated Flow Meter	Weekly	33° 20' 32" N	112° 53' 31" W
Evaporation Pond C	Liquid Pumped	10,315	103,149	Automated Flow Meter	Weekly	33° 20' 16" N	112° 53' 31" W

² The permittee shall record the inspection performance levels in a log book as per Section 2.7.2 and report any exceedances as per Section 2.6.2.2. In the case of an exceedance, identify which structure exceeds the performance level in the log book. No SMRFs.

³ AL#1= Exceedance in Alert Level #1. The permittee shall place into action the requirements presented in 2.6.2.2.1. Exceedance of an AL is not a violation. If no event occurred, the Permittee shall state the fact in the Log Book.

⁴ AL#2 = Exceedance in Alert Level #2. The permittee shall place into action the requirements presented in 2.6.2.2.2. Exceedance of an AL is not a violation. If no event occurred, the Permittee shall state the fact in the Log Book.

⁵ LCRS inspection and leakage quantification shall be performed while the impoundment is “in use” (when fluids are present in the impoundment and/or LCRS). Evacuation of fluids in the sump shall be performed as necessary for accurate monitoring and effective operation of the collection system. Routine analysis of sump fluids is not required. However, characterization of sump fluids is required as a contingency action in Section 2.6.

⁶ The “Liquid Pumped” value to be reported is the amount of liquid pumped from the LCRS sump in gpd.

4.3 COMPLIANCE (or OPERATIONAL) MONITORING

TABLE 4.3.1
CONTINGENCY DISCHARGE CHARACTERIZATION FOR BADCT FAILURES AND/OR
OVERTOPPING⁷

Parameter	Units	Monitoring Frequencys
pH-field	SU	One sample
Temperature-field	F	One sample
Specific Conductance-field	(µmhos/cm)	One sample
Alkalinity	mg/l ⁹	One sample
Carbonate	mg/l	One sample
Bicarbonate	mg/l	One sample
Hydroxide	mg/l	One sample
Total Dissolved Solids (TDS)	mg/l	One sample
Calcium	mg/l	One sample
Chloride	mg/l	One sample
Fluoride	mg/l	One sample
Magnesium	mg/l	One sample
Nitrate	mg/l	One sample
Potassium	mg/l	One sample
Sodium	mg/l	One sample
Sulfate	mg/l	One sample
Antimony	mg/l	One sample
Arsenic	mg/l	One sample
Barium	mg/l	One sample
Beryllium	mg/l	One sample
Boron	mg/l	One sample
Cadmium	mg/l	One sample
Chromium	mg/l	One sample
Lead	mg/l	One sample
Mercury	mg/l	One sample
Nickel	mg/l	One sample
Selenium	mg/l	One sample
Thallium	mg/l	One sample
Zinc	mg/l	One sample
Adjusted Gross Alpha ¹⁰	pCi/l ¹¹	One sample
Radium 226+ Radium 228	pCi/l	One sample

⁷ Monitor under this table per Section 2.6.3.1, Liner Failure, Containment Structure Failure, Leak Collection and Removal System (LCRS) or Unexpected Loss of Fluid and/or Section 2.6.3.2, Overtopping of a Surface Impoundment.

⁸ One verification sample shall be taken within 5 days of an event.

⁹ mg/l = milligrams per liter

¹⁰ The adjusted gross alpha particle activity is the gross alpha activity, including radium 226, minus radon and total uranium (the sum of uranium 238, uranium 235, and uranium 234 isotopes).

¹¹ pCi/l = PicoCuries per liter

5.0 REFERENCES AND PERTINENT INFORMATION

The terms and conditions set forth in this permit have been developed based upon the information contained in the following, which are on file with the Department:

1. APP Application dated: August 9, 2019
2. Contingency Plan, dated: August 9, 2019
3. Final Engineering Memo dated: September 24, 2019
4. Final Hydrologist Memo dated: October 7, 2019
5. Financial Review Memo dated: October 17, 2019
6. Public Notice date: TBD

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6.0 NOTIFICATION PROVISIONS

6.1 Annual Registration Fees

The permittee is notified of the obligation to pay an Annual Registration Fee to ADEQ. The Annual Registration Fee is based on the amount of daily influent or discharge of pollutants in gallons per day (gpd) as established by A.R.S. § 49-242.

6.2 Duty to Comply [A.R.S. §§ 49-221 through 263]

The permittee is notified of the obligation to comply with all conditions of this permit and all applicable provisions of Title 49, Chapter 2, Articles 1, 2 and 3 of the Arizona Revised Statutes, Title 18, Chapter 9, Articles 1 through 4, and Title 18, Chapter 11, Article 4 of the Arizona Administrative Code. Any permit non-compliance constitutes a violation and is grounds for an enforcement action pursuant to Title 49, Chapter 2, Article 4 or permit amendment, suspension, or revocation.

6.3 Duty to Provide Information [A.R.S. §§ 49-243(K)(2) and 49-243(K)(8)]

The permittee shall furnish to the Director, or an authorized representative, within a time specified, any information which the Director may request to determine whether cause exists for amending 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.

6.4 Compliance with Aquifer Water Quality Standards [A.R.S. §§ 49-243(B)(2) and 49-243(B)(3)]

The permittee shall not cause or contribute to a violation of an Aquifer Water Quality Standard (AWQS) at the applicable point of compliance (POC) for the facility. Where, at the time of issuance of the permit, an aquifer already exceeds an AWQS for a pollutant, the permittee shall not discharge that pollutant so as to further degrade, at the applicable point of compliance for the facility, the water quality of any aquifer for that pollutant.

6.5 Technical and Financial Capability

[A.R.S. §§ 49-243(K)(8) and 49-243(N) and A.A.C. R18-9-A202(B) and R18-9-A203(E) and (F)]

The permittee shall have and maintain the technical and financial capability necessary to fully carry out the terms and conditions of this permit. Any bond, insurance policy, trust fund, or other financial assurance mechanism provided as a demonstration of financial capability in the permit application, pursuant to A.A.C. R18-9-A203(C), shall be in effect prior to any discharge authorized by this permit and shall remain in effect for the duration of the permit.

6.6 Reporting of Bankruptcy or Environmental Enforcement [A.A.C. R18-9-A207(C)]

The permittee shall notify the Director within five days after the occurrence of any one of the following:

1. the filing of bankruptcy by the permittee; or
2. the entry of any order or judgment not issued by the Director against the permittee for the enforcement of any environmental protection statute or rule.

6.7 Monitoring and Records [A.R.S. § 49-243(K)(8) and A.A.C. R18-9-A206]

The permittee shall conduct any monitoring activity necessary to assure compliance with this permit, with the applicable water quality standards established pursuant to A.R.S. §§ 49-221 and 49-223 and §§ 49-241 through 49-252.

6.8 Inspection and Entry [A.R.S. §§ 49-1009, 49-203(B), and 49-243(K)(8)]

In accordance with A.R.S. §§ 41-1009 and 49-203(B), 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 enter and inspect the facility as reasonably necessary to ensure compliance with Title 49, Chapter 2, Article 3 of the Arizona Revised Statutes, and Title 18, Chapter 9, Articles 1 through 4 of the Arizona Administrative Code and the terms and conditions of this permit.

6.9 Duty to Modify [A.R.S. § 49-243(K)(8) and A.A.C. R18-9-A211]

The permittee shall apply for and receive a written amendment before deviating from any of the designs or operational practices authorized by this permit.

6.10 Permit Action: Amendment, Transfer, Suspension, and Revocation
[A.R.S. §§ 49-201, 49-241 through 251, A.A.C. R18-9-A211, R18-9-A212 and R18-9-A213]

This permit may be amended, transferred, suspended, or revoked for cause, under the rules of the Department. The permittee shall notify the Groundwater Protection Value Stream in writing within 15 days after any change in the owner or operator of the facility. The notification shall state the permit number, the name of the facility, the date of property transfer, and the name, address, and phone number where the new owner or operator can be reached. The operator shall advise the new owner or operators of the terms of this permit and the need for permit transfer in accordance with the rules.

7.0 ADDITIONAL PERMIT CONDITIONS

7.1 Other Information [A.R.S. § 49-243(K)(8)]

Where 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 in any report to the Director, the permittee shall promptly submit the correct facts or information.

7.2 Severability
[A.R.S. §§ 49-201, 49-241 through 251, A.A.C. R18-9-A211, R18-9-A212 and R18-9-A213]

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. The filing of a request by the permittee for a permit action does not stay or suspend the effectiveness of any existing permit condition.

7.3 Permit Transfer

This permit may not be transferred to any other person except after notice to and approval of the transfer by the Department. No transfer shall be approved until the applicant complies with all transfer requirements as specified in A.A.C. R18-9-A212(B) and (C).