

**STATE OF ARIZONA
AQUIFER PROTECTION PERMIT NO. P-513099
PLACE ID 182819, LTF 81982**

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) hereby authorizes Amado Management, LLC to operate the Amado Farms located in Amado, Santa Cruz County, Arizona, over the groundwater of the Santa Cruz Active Management Area, in Township 20 South, Range 13 East, Section 7 of the Gila and Salt River Baseline and Meridian.

This permit becomes effective on the date of the Water Quality Division Deputy 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: Amado Farms
Facility Address: 2935 E. Frontage Road
Amado, AZ 85645
County: Santa Cruz

Annual Registration Fee Flow Rate: 17,335 gallons per day (gpd)

Permittee: Amado Management, LLC
Permittee Address: 2935 E. Frontage Road
Amado, AZ 85645

Facility Contact: Ernesto Becerril, General Manager
Emergency Phone No.: (520) 398-3048/ Mobile Phone (480) 307-0195

Latitude/Longitude: 31° 42' 57.5" N / 111° 03' 33.2" W
Legal Description: Township 20 South, Range 13 East, Section 7 of the Gila and Salt River Baseline and Meridian

1.2. AUTHORIZING SIGNATURE

Randall Matas, Deputy Director
Water Quality Division
Arizona Department of Environmental Quality
Signed this _____ day of _____, 2022

TABLE OF CONTENTS

1.0	AUTHORIZATION	1
1.1.	PERMITTEE INFORMATION	1
1.2.	AUTHORIZING SIGNATURE	1
2.0	SPECIFIC CONDITIONS.....	4
2.1.	FACILITY / SITE DESCRIPTION	4
2.1.1.	Annual Registration Fee	4
2.1.2.	Financial Capability.....	4
2.2.	BEST AVAILABLE DEMONSTRATED CONTROL TECHNOLOGY (BADCT)	4
2.2.1.	Engineering Design	5
2.2.2.	Site-Specific Characteristics	5
2.2.3.	Pre-Operational Requirements.....	5
2.2.4.	Operational Requirements	5
2.3.	DISCHARGE LIMITATIONS	5
2.4.	POINT OF COMPLIANCE (POC).....	5
2.5.	MONITORING REQUIREMENTS	5
2.5.1.	Discharge Monitoring.....	5
2.5.1.1.	Initial Discharge Characterization	5
2.5.2.	Facility / Operational Monitoring	6
2.5.3.	Groundwater Monitoring and Sampling Protocols	6
2.5.4.	Surface Water Monitoring and Sampling Protocols	6
2.5.5.	Analytical Methodology	6
2.5.6.	Installation and Maintenance of Monitoring Equipment	6
2.6.	CONTINGENCY PLAN REQUIREMENTS	6
2.6.1.	General Contingency Plan Requirements	6
2.6.2.	Exceeding of Alert Levels and Performance Levels	7
2.6.2.1.	Exceeding of Performance Levels Set for Operational Conditions.....	7
2.6.2.1.1.	Performance Levels Set for Freeboard	7
2.6.2.1.2.	Performance Levels, other than Freeboard.....	7
2.6.2.2.	Exceedance of Alert Level #1 for Normal Liner Leakage	8
2.6.2.3.	Exceedance of Alert Level #2 for Liner Failure or Rips	9
2.6.2.4.	Exceeding of Alert Levels Set for Discharge Monitoring.....	9
2.6.2.5.	Exceeding of Alert Levels in Groundwater Monitoring	9
2.6.2.5.1.	Alert Levels for Indicator Parameters	9
2.6.2.5.2.	Alert Levels for Pollutants with Numeric Aquifer Water Quality Standards	10
2.6.2.5.3.	Alert Levels to Protect Downgradient Users from Pollutants Without Numeric Aquifer Water Quality Standards	10
2.6.3.	Discharge Limit Violation	10
2.6.3.1.	Liner Failure, Containment Structure Failure, or Unexpected Loss of Fluid for reasons other than Overtopping	10
2.6.3.2.	Overtopping of a Surface Impoundment.....	11
2.6.3.3.	Inflows of Unexpected Materials to a Surface Impoundment.....	11
2.6.4.	Aquifer Quality Limit Exceedances	12
2.6.5.	Emergency Response and Contingency Requirements for Unauthorized Discharges	12
2.6.5.1.	Duty to Respond	12
2.6.5.2.	Discharge of Hazardous Substances or Toxic Pollutants	12
2.6.5.3.	Discharge of Non-Hazardous Materials	12
2.6.5.4.	Reporting Requirements	12
2.6.6.	Corrective Actions	13
2.7.	REPORTING AND RECORDKEEPING REQUIREMENTS	13
2.7.1.	Self-Monitoring Report Form	13

2.7.2.	Operation Inspection / Log Book Recordkeeping	13
2.7.3.	Permit Violation and Alert Level Status Reporting	14
2.7.4.	Operational, Other or Miscellaneous Reporting	14
2.7.4.1.	Annual Report	14
2.7.5.	Reporting Location	14
2.7.6.	Reporting Deadline	15
2.7.7.	Changes to Facility Information in Section 1.0	15
2.8.	TEMPORARY CESSATION	15
2.9.	CLOSURE	15
2.9.1.	Closure Plan	15
2.9.2.	Closure Completion	15
2.10.	POST-CLOSURE	16
2.10.1.	Post-Closure Plan	16
2.10.2.	Post-Closure Completion	16
3.0	COMPLIANCE SCHEDULE	17
4.0	TABLES OF MONITORING REQUIREMENTS	18
4.1.	PERMITTED FACILITIES AND BADCT	18
4.2.	COMPLIANCE OR OPERATIONAL MONITORING	19
5.0	REFERENCES AND PERTINENT INFORMATION	22
6.0	NOTIFICATION PROVISIONS	23
6.1.	ANNUAL REGISTRATION FEES	23
6.2.	DUTY TO COMPLY	23
6.3.	DUTY TO PROVIDE INFORMATION	23
6.4.	COMPLIANCE WITH AQUIFER WATER QUALITY STANDARDS	23
6.5.	TECHNICAL AND FINANCIAL CAPABILITY	23
6.6.	REPORTING OF BANKRUPTCY OR ENVIRONMENTAL ENFORCEMENT	23
6.7.	MONITORING AND RECORDS	23
6.8.	INSPECTION AND ENTRY	24
6.9.	DUTY TO MODIFY	24
6.10.	PERMIT ACTION: AMENDMENT, TRANSFER, SUSPENSION, AND REVOCATION	24
7.0	ADDITIONAL PERMIT CONDITIONS	25
7.1.	OTHER INFORMATION	25
7.2.	SEVERABILITY	25
7.3.	PERMIT TRANSFER	25

TABLE OF TABLES

TABLE 1: DISCHARGING FACILITIES	4
TABLE 2: POINT OF COMPLIANCE	5
TABLE 3: COMPLIANCE SCHEDULE ITEMS	17
TABLE 4: PERMITTED FACILITIES AND BADCT	18
TABLE 5: LEAK COLLECTION AND REMOVAL SYSTEM MONITORING	19
TABLE 6: INITIAL DISCHARGE/CONTINGENCY MONITORING	20
TABLE 7: FACILITY INSPECTION AND OPERATIONAL MONITORING	21

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)]

Amado Farms is an existing agricultural facility located in Amado, Santa Cruz County, Arizona. The farm comprises a 17-acre parcel and a 5-acre parcel, both located on the east side of I-19 Frontage Road, and a 75-acre lot immediately south of the existing farm.

The existing facility currently utilizes fertigation, the process of directly applying fertilizer to a crop through the irrigation system, to fertilize three greenhouses on a year-round basis. This irrigation process results in nutrient-dense irrigation water runoff. The existing average daily flow used for irrigation results in 9,835 gallons per day (gpd) of runoff water which will be routed to Pond 1 and Pond 2. Future flows will add an additional 7,500 gpd which will be routed to Pond 3 and Pond 4, thus bringing the future total to 17,335 GPD of discharge.

Nitrogen is added as fertilizer into the fertigation system. The average concentration of nitrogen from all three greenhouses was determined to be approximately 111.4 mg/L Nitrate-N.

The site includes the following permitted discharging facilities:

Table 1: DISCHARGING FACILITIES		
Facility	Latitude	Longitude
Pond 1	31° 42' 49.49" N	111° 03' 28.18" W
Pond 2	31° 42' 46.15" N	111° 03' 28.25" W
Pond 3	31° 42' 42.83" N	111° 03' 28.62" W
Pond 4	31° 42' 40.17" N	111° 03' 30.03" W

2.1.1. 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 annual registration fee flow rate is established by the permitted flow rate identified in Section 1.1 Permittee Information. If the facility is not constructed or is incapable of discharge, the permittee may be eligible for reduced fees pursuant to A.A.C. R18-14-104(A), Table 2. Send all correspondence requesting reduced fees to the Groundwater Protection Value Stream. Please reference the permit number, LTF number, and the reason for requesting reduced fees under this rule.

2.1.2. Financial Capability

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

The permittee shall demonstrate financial capability under A.R.S. § 49-243(N) and A.A.C. R18-9-A203. The permittee shall maintain financial capability throughout the life of the facility. Pursuant to A.A.C. R18-9-A203(C)(2), the financial assurance mechanism shall demonstrate through a Performance Surety Bond for estimated closure cost \$183,370. This permit is contingent upon provision of the aforementioned financial mechanism. The permittee shall not discharge to the Ponds listed in Table 1 Discharging Facilities until ADEQ has approved a financial assurance mechanism as per Section 3.0, Compliance Schedule Item (CSI) No. 1.

2.2. BEST AVAILABLE DEMONSTRATED CONTROL TECHNOLOGY (BADCT)

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

Facilities regulated by this permit shall be designed, constructed, operated, and maintained to meet requirements specified by A.R.S. §49-243(B) and A.A.C. R18-9-A202(A)(5).

2.2.1. Engineering Design

BADCT description for the permitted facilities is presented in Section 4.1 Permitted Facilities and BADCT, Table 4: PERMITTED FACILITIES AND BADCT.

2.2.2. Site-Specific Characteristics

Not applicable.

2.2.3. Pre-Operational Requirements

Not applicable.

2.2.4. Operational Requirements

The discharging facilities shall be operated according to and inspected for compliance with the requirements in Section 4.2 Compliance or Operational Monitoring, Table 7: FACILITY INSPECTION AND OPERATIONAL MONITORING, and recorded in a log book as required by Section 2.7.2 Operation Inspection / Log Book Recordkeeping. If damage is identified during an inspection that could cause or contribute to an unauthorized discharge, proper repairs shall be promptly performed in accordance with Section 2.6 Contingency Plan Requirements of this permit and recorded in the log book

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.

2.4. POINT OF COMPLIANCE (POC)

[A.R.S. § 49-244]

The POC is established by the following monitoring location(s):

Table 2: POINT OF COMPLIANCE			
POC #	POC Location	Latitude	Longitude
POC-1	Approximately 500 feet north of Pond 1	31° 42' 53.28" N	111° 3' 28.8" W

POC-1 is a conceptual POC location; therefore, groundwater monitoring is not required at POC-1. The Director may amend this permit to designate additional POCs, 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 as applicable 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. Discharge Monitoring

2.5.1.1. Initial Discharge Characterization

Discharge monitoring shall be conducted on a one-time basis at the 24-inch pump basin located

downstream of the greenhouses in accordance with Section 4.2, Table 6: INITIAL DISCHARGE/CONTINGENCY MONITORING, and the Section 3.0, CSI No. 4, in order to allow for accurate representation of the discharge to the ponds.

2.5.2. Facility / Operational Monitoring

At a minimum, permitted facilities shall be inspected for performance levels listed in Section 4.2, Table 7: FACILITY INSPECTION AND OPERATIONAL MONITORING. 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.

2.5.3. Groundwater Monitoring and Sampling Protocols

Not applicable.

2.5.4. Surface Water Monitoring and Sampling Protocols

Not applicable.

2.5.5. 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, AZ 85007
Phone: (602) 364-0720

2.5.6. Installation and Maintenance of Monitoring Equipment

Monitoring equipment if required by this permit shall be installed and maintained so that representative samples required by the permit can be collected. If a POC well(s) is 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 a contingency and emergency response plan submitted in the application 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 alert level (AL) exceedance, or violation of an aquifer quality limit (AQL), discharge limit (DL), or other permit condition shall be reported to ADEQ following the reporting requirements in Section 2.7.3, unless more specific reporting requirements are set forth in Section 2.6.2 through 2.6.5.

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. 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. The permittee is subject to enforcement action for the failure to comply with any contingency actions in this permit.

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 7: FACILITY INSPECTION AND OPERATIONAL MONITORING in a surface impoundment 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 impoundment 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 its pre-alert operating condition (at or below freeboard), 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 that design improvements are necessary.
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 non-compliance with an operational performance level (PL) listed in Section 4.2, Table 7: FACILITY INSPECTION AND OPERATIONAL MONITORING 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 2.6.1 General Contingency Plan Requirements 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. Exceedance of Alert Level #1 for Normal Liner Leakage

If an Alert Level #1 (AL #1) as specified in Section 4.2, Table 5: LEAK COLLECTION AND REMOVAL SYSTEM MONITORING, has been exceeded, the permittee shall take the following actions:

1. Within 5 days of AL #1 exceedance, notify Groundwater Protection Value Stream in accordance with Section 2.7.3 Permit Violation and Alert Level Status Reporting. Continue monitoring to determine if the leakage rate is increasing.
2. If the leakage rate continues to exceed AL #1 for 15 days following notification of initial AL #1 exceedance, perform a visual inspection of the liner above the solution level, to determine the location of the leaks in the primary liner.
3. Within 45 days of AL #1 exceedance, if liner damage is evident, the permittee shall complete liner repairs.
4. Within 45 days of AL #1 exceedance, if the visual inspection does not identify the location of leaks, formulate a corrective action plan to determine their location and repair them.
5. Within 90 days of AL #1 exceedance and following formulation of a corrective action plan, the permittee shall complete liner repairs.
6. Within 75 days of AL #1 exceedance (if repairs were completed in Step 3), or 120 days of AL #1 exceedance (if corrective action plan was implemented per Steps 4 and 5), if no AL exceedance is observed for 30 consecutive days, notify Groundwater Protection Value Stream and document assessment and/or repairs in the log book.
7. Within 120 days of AL #1 exceedance (if repairs were completed in Step 3), or 165 days of AL #1 exceedance (if corrective action plan was implemented per Steps 4 and 5), if 30 consecutive days without an AL #1 exceedance is not achieved, notify Groundwater Protection Value Stream and reassess the entire liner system and complete any necessary repairs as described in Steps 2 and 3 (and if necessary Steps 4 and 5 also). Repeat the assessment and liner repair cycle until requirements of Step No. 6 are attained.
8. A liner leakage assessment and repair report shall be included in the next annual report described in Section 2.7.4.1 Annual Reporting of this permit. The permittee may also submit the liner leakage assessment report to the ADEQ prior to the annual report due date. This liner leakage assessment and repair report shall be submitted to Groundwater Protection Value Stream. Upon review of the report, ADEQ may require that the permittee take additional

corrective actions to address the problems identified from the assessment of the liner and perform other applicable repair procedures.

2.6.2.3. Exceedance of Alert Level #2 for Liner Failure or Rips

If the Liner Leakage Discharge Limit (AL #2) specified in Section 4.2, Table 7: FACILITY INSPECTION AND OPERATIONAL MONITORING, has been exceeded, the permittee shall:

1. As soon as practicable, cease all discharge to the impoundment, implement control measures to prevent new solution buildup that may subsequently report to the impoundment, and immediately notify Groundwater Protection Value Stream of the AL #2 exceedance.
2. Within 15 days of initial AL #2 exceedance, perform a visual inspection of the liner above the solution level to identify the location of the leak(s). The permittee shall complete liner repairs and discharge to the impoundment shall not be re-initiated until the leak(s) have been identified and repaired.
3. Within 60 days of initial AL #2 exceedance if leaks were found and fixed and if no AL #2 exceedance is observed for 30 consecutive days, submit a liner leakage assessment and repair report to ADEQ. The report shall include the results of the initial liner evaluation, methods used to locate the leak(s), repair procedures and quality assurance/quality control implemented to restore the liner to optimal operational status, and other information necessary to ensure the future occurrence of the incidence will be minimized.
4. Within 30 days of initial AL #2 exceedance if the visual inspection does not identify the location of leaks and AL #2 exceedance continues, formulate a corrective action plan to determine their location and repair them. The corrective action plan will take into account the schedule for a 3rd party contractor to perform electronic leak detection or other methods if required.
5. Within 75 days of initial AL #2 exceedance and following formulation of a corrective action plan, the permittee shall complete liner repairs
6. Within 105 days of AL #2 exceedance and implementation of the corrective action plan per Steps 4 and 5, if no AL #2 exceedance is observed for 30 consecutive days, notify Groundwater Protection Value Stream and document assessment and/or repairs in the log book.
7. Within 105 days of initial AL #2 exceedance, (if repairs were completed in Step 3), or 150 days of AL #2 exceedance (if corrective action plan was implemented per Steps 4, 5, and 6) if 30 consecutive days without an AL #2 exceedance is not achieved, repeat Steps 1 through 7 until AL #2 is not exceeded for 30 consecutive days. When the Steps 1 through 7 are repeated, the notification date is reset. Discharge to the impoundment shall not be re-initiated until the leak(s) have been identified and repaired.
8. Liner leakage assessment and repair reports required by Section 2.6.2.2, shall be referenced in the next annual report described in Section 2.7.4.1 Annual Reporting of this permit.

2.6.2.4. Exceeding of Alert Levels Set for Discharge Monitoring

Not applicable.

2.6.2.5. Exceeding of Alert Levels in Groundwater Monitoring

2.6.2.5.1. Alert Levels for Indicator Parameters

Monitoring for Indicator Parameters is not required under the terms of this permit.

2.6.2.5.2. Alert Levels for Pollutants with Numeric Aquifer Water Quality Standards

Monitoring for parameters with numeric Aquifer Water Quality Standards (AWQS) is not required under the terms of this permit.

2.6.2.5.3. Alert Levels to Protect Downgradient Users from Pollutants Without Numeric Aquifer Water Quality Standards

Not applicable.

2.6.3. Discharge Limit Violation

2.6.3.1. Liner Failure, Containment Structure Failure, or Unexpected Loss of Fluid for reasons other than Overtopping

In the event of liner failure, containment structure failure, 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 from the impoundment, 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 4.2, Table 6: INITIAL DISCHARGE/CONTINGENCY MONITORING, 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 impoundment until repairs of any failed liner or structure are performed.
5. Repair procedures, methods, and materials used to restore the system(s) to proper operating condition shall be described in the log book and available for ADEQ review. Record in the log book 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 log book shall be maintained according to Section 2.7.2 Operation Inspection / Log Book Recordkeeping.
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 4 listed above. Upon review of the report, ADEQ may request additional monitoring or remedial actions.
7. Within 60 days of discovery, assess 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 from the impoundment.
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 6: INITIAL DISCHARGE/CONTINGENCY MONITORING. 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 4.2, Table 7: FACILITY INSPECTION AND OPERATIONAL MONITORING. Record in the log book 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 log book shall be maintained according to Section 2.7.2 Operation Inspection / Log Book Recordkeeping.
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, assess 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 5 days of the incident, attempt to identify the source of the material and determine the cause for the inflow. Collect a sample of the unexpected material and contents of the affected impoundment, and submit it for laboratory analysis. Following receipt of the laboratory results, evaluate the volume and concentration of the unexpected 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 to the impoundment, 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 Exceedances

Not applicable.

2.6.5. Emergency Response and Contingency Requirements for Unauthorized Discharges

[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 as defined at 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 (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 (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. 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 AL, 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 applicable.

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 shift 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;
6. Any other information required by this permit to be entered in the log book; and
7. Monitoring records for each measurement shall comply with A.A.C. R18-9-A206(B)(2), consisting of:

- a. The date, time, and exact place of the measurement and the name of each individual who performed the measurement;
- b. The procedures used to make the measurement; and
- c. Any field notes relating to the information described in (a) and (b).

2.7.3. Permit Violation and Alert Level Status Reporting

1. The permittee shall notify the Groundwater Protection Value Stream within 5 days (except as provided in Section 2.6.5) of becoming aware of an AL exceedance, or violation of any permit condition, AQL, or DL for which notification requirements are not specified in Sections 2.6.2 through 2.6.5.
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, Table 7: FACILITY INSPECTION AND OPERATIONAL MONITORING 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.

2.7.4.1. Annual Report

If AL #1 has been exceeded discussed in Section 2.6.2.2, the permittee shall submit an annual report that summarizes the results of the liner assessment taken during the applicable reporting period. The Liner Leakage Assessment Report shall also include information including but not limited to the following: number and location of holes identified; and a table summarizing AL exceedances including the frequency and quantity of fluid removed, and corrective actions taken.

2.7.5. Reporting Location

All Self-Monitoring Report Forms (SMRFs) shall be submitted through the myDEQ portal accessible on the ADEQ website at: <http://www.azdeq.gov/welcome-mydeq>. Contact at 602-771-4571 for any inquiry related to the SMRFs.

5-day and 30-day contingency notification and reports, laboratory reports, and verification sampling results required by this permit should be submitted through the myDEQ portal accessible on the ADEQ website at: <http://www.azdeq.gov/welcome-mydeq>.

If the required reports cannot be submitted, or require further documentation that cannot be submitted on the myDEQ portal, then submit items to groundwaterpermits@azdeq.gov or the address listed below:

The 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 applicable.

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.

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.

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 or, for any pollutant for which the AWQS was exceeded at the time this permit was issued, further action is necessary to prevent the facility from further degrading the aquifer at the applicable POC with respect to that pollutant;
3. Remedial, mitigative or corrective actions, or controls are necessary to comply with A.R.S. § 49-201(36) and Title 49, Chapter 2, Article 3;
4. Further action is necessary to meet property use restrictions.
5. Submittal of SMRFs is still required; report "closure in process" in the comment section.

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(36) 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 (CSI) listed below, the permittee shall submit the required information to the Groundwater Protection Value Stream.

Table 3: COMPLIANCE SCHEDULE ITEMS			
No.	Description	Due By:	Permit Amendment Required?
1	The permittee shall submit a “other” amendment application along with a financial assurance mechanism as per A.A.C. R18-9-A203(C)(2) for the estimated closure and post-closure costs for the APP facilities as per Section 2.1.2 of this permit.	Within 60 days of the signature date of this permit.	Yes
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), and an updated financial assurance mechanism as per A.A.C. R18-9-A203(C)(2), for the updated cost estimate (see Section 2.1.2 of this permit).	Six years from the date of permit signature, and every six years thereafter for the duration of the permit.	Yes
3	The permittee shall submit a construction report along with as-built drawings and QA/QC documentation sealed by an Arizona registered professional engineer for Ponds 1 and 2 to confirm that the impoundments were constructed in accordance with the design report, engineering plans and specifications submitted in the application for this permit.	60 days prior to discharging to Ponds 1 and 2 under this permit.	No
4	Perform initial discharge monitoring and characterization as per Section 2.5.1.1 of this permit and notify the Groundwater Protection Value Stream on the date the sample was collected.	Within 60 days of initiating discharge to Ponds 1 and 2.	No
5	Submit the results of the initial discharge monitoring conducted as per CSI No. 4 above to the Groundwater Protection Value Stream.	Within 60 days of sample collection for initial discharge monitoring.	No
6	Notify the Groundwater Protection Value Stream prior to construction of Ponds 3 and 4.	30 days prior to initiation of construction.	No
7	The permittee shall submit a construction report along with as-built drawings and QA/QC documentation sealed by an Arizona registered professional engineer for Ponds 3 and 4 to confirm that the facility was constructed in accordance with the design report, engineering plans and specifications submitted in the application for this permit.	Within 120 days of completion of construction.	No
8	Submit a soil sampling plan to assess the potential impact of the fertigation drainage to the former unlined ponds/basins for ADEQ approval.	Within 90 days of the date of the signature date of this permit.	No
9	Complete the sampling as per the approved soil sampling plan in CSI No. 8 above and submit a report of findings signed and sealed by a licensed professional engineer or hydrogeologist.	Within 120 days of ADEQ approval of soil sampling plan discussed in CSI No. 8.	No

4.0 TABLES OF MONITORING REQUIREMENTS

4.1. PERMITTED FACILITIES AND BADCT

Table 4: PERMITTED FACILITIES AND BADCT	
Facility Name and BADCT	
<p><u>Pond 1 and Pond 2 - Prescriptive BADCT:</u></p> <p>The facility design consists of a double-lined system with a leak collection and removal system (LCRS) between the two liners. The liner system from top to bottom shall consist of a 60-mil HDPE geomembrane upper liner, a LCRS composed of 200-mil geonet layer sloped to a sump that shall be a minimum of 4 feet by 4 feet by two-feet deep, and filled with washed aggregate sized larger than the pipe perforations, and a lower liner consisting of a 60-mil HDPE geomembrane liner over a minimum six inches of 3/8 inch minus native or natural materials compacted to 95% maximum dry density within 3% of the optimum moisture content. Each pond shall have an interior side slope no steeper than two feet horizontal run to one-foot vertical rise (2(H):1(V)), and an exterior slope of 3(H):1(V). All layers of the liner system shall be secured in a 2 feet by 2 feet engineered anchor trench around the impoundment perimeter. Stormwater diversion ditches shall be constructed on the upgradient side of the ponds.</p> <p>Ponds 1 & 2 have a storage capacity of approximately 3,342,670 and 3,398,617 gallons respectively. The ponds shall maintain a minimum of 2 feet of freeboard.</p>	
<p><u>Pond 3 and Pond 4 - Prescriptive BADCT::</u></p> <p>The facility design consists of a double-lined system with a LCRS between the two liners. The liner system from top to bottom shall consist of a 60-mil HDPE geomembrane upper liner, a LCRS composed of 200-mil geonet layer sloped to a sump that shall be a minimum of 4 feet by 4 feet by two-feet deep, and filled with washed aggregate sized larger than the pipe perforations, and a lower liner consisting of a 60-mil HDPE geomembrane liner over a minimum six inches of 3/8 inch minus native or natural materials compacted to 95% maximum dry density within 3% of the optimum moisture content. Each pond shall have an interior side slope no steeper than 2(H):1(V), and an exterior slope of 3(H):1(V). All layers of the liner system shall be secured in a 2 feet by 2 feet engineered anchor trench around the impoundment perimeter. Stormwater diversion ditches shall be constructed on the upgradient side of the ponds.</p> <p>Ponds 3 and 4 have a storage capacity of approximately 2,599,608 and 2,500,035 gallons respectively. The ponds shall maintain a minimum of 2 feet of freeboard.</p>	

4.2. COMPLIANCE OR OPERATIONAL MONITORING

Table 5: LEAK COLLECTION AND REMOVAL SYSTEM MONITORING				
LCRS Sump	Alert Level 1 (gpd)	Alert Level 2 (gpd)	Monitoring Method	Monitoring Frequency
Pond 1 & Pond 2	287	6,114	Manual	Daily
Pond 3 & Pond 4	221	4,710	Manual	Daily

Note: The information in this table shall be maintained in the log book.

The volume of liquid pumped from the LCRS shall be monitored on a continuous basis using a totalizer and entered in the facility log book on a daily basis. The AL #1 or AL #2 shall be exceeded when the amount of leakage pumped from the sump for a given impoundment is greater than the applicable quantity above. Contingency requirements of Sections 2.6.2.2 and 2.6.2.3 shall be followed for AL1 and AL2 exceedances, respectively. An exceedance of AL #1 or AL #2 is not a violation of the permit unless the permittee fails to perform actions as required under the Sections referenced above.

Table 6: INITIAL DISCHARGE/CONTINGENCY MONITORING		
Facility	Latitude	Longitude
Discharge to Ponds	31° 42' 55.1" N	111° 03' 29.9" W
Parameters for One-Time Discharge Monitoring (in mg/L unless otherwise noted) ¹		
pH – field & lab (SU)	Magnesium	Mercury
Specific Conductance - field and lab (µmhos/cm)	Potassium	Cadmium
Total Dissolved Solids	Sodium	Cobalt
Total Alkalinity	Iron	Copper
Carbonate	Aluminum	Lead
Bicarbonate	Antimony	Nickel
Total Nitrogen	Arsenic	Selenium
Nitrate as N	Barium	Thallium
Nitrite as N	Cadmium	Zinc
Nitrate + Nitrite	Chromium	Total Uranium
Sulfate	Cobalt	Gross Alpha Particle Activity (pCi/L)
Chloride	Copper	Radium 226 + Radium 228 (pCi/L)
Fluoride	Lead	Uranium-Isotopes (pCi/L)
Calcium	Manganese	Radium 226 + Radium 228 (pCi/L)
Ammonia		

¹ Metals shall be analyzed as total metals.

Table 7: FACILITY INSPECTION AND OPERATIONAL MONITORING

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

Parameter	Performance Standard	Monitoring Frequency	Reporting Frequency
Freeboard	Minimum of two feet.	Weekly or after a significant rainstorm or other natural disaster that may affect freeboard	See Section 2.7.3
Anchor trench integrity	No impairment.	Monthly	
Embankment integrity	No visible structural weakness, seepage erosion, or other hazardous conditions.	Monthly	
Liner Integrity	No visible cracks, punctures, or deteriorations of liner.	Monthly	
Integrity of Pumping System	Good working condition.	Monthly	
Sediments/sludge	Remove sediments/sludge as needed to maintain at least 90 percent of designed capacity.	Annually	
Channel	Clean the channel whenever the depth is reduced by 25% at any location. Sediments should be removed within 25 hours of discovery. Remove vegetation to maintain channel capacity.	Annually or as needed	

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:

APP Application, dated January 11, 2022, and supplements and addendums.

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. §§ 41-1009, 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).