



STATE OF ARIZONA
AQUIFER PROTECTION PROGRAM PERMIT NO. P-100568
PLACE ID 447, LTF 96385
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) hereby authorizes Arizona Public Service (APS) to operate the Cholla Power Plant located two (2) miles east of Joseph City, Navajo County, Arizona, over the groundwater of the Little Colorado River basin, in Sections 13, 14, 22, 23, 34, 35, 26 Township 18N, Range 19E, and Sections 19 and 20, Township 18N, Range 20E of the 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:	Cholla Power Plant
Facility Address:	4801 Cholla Lake Road Joseph City, AZ 86032
County:	Navajo
Annual Registration Fee Flow Rate:	4,658,300 gallons per day (gpd)
Permittee:	Arizona Public Service (APS)
Permittee Address:	PO Box 188, Station 4451 Joseph City, AZ 86032
Facility Contact:	Plant Manager
Emergency Phone No.:	(928) 288-1176
Latitude/Longitude:	34° 56’ 00” N / 110° 18’ 00” W
Legal Description:	Township 18 N, Range 19 E, Sections 13, 14, 22, 23, 24, 25, 26 and Township 18 N, Range 20 E, Sections 19, 30 East 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 _____, 20_____

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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 APS - Cholla Power Plant is located in northern Arizona in Navajo County near Joseph City. It lies approximately 9 miles west of Holbrook, Arizona, adjacent to and north of the Little Colorado River. The plant burns low sulfur coal in three units having a total net generating capacity of 767,000 kilowatts. The permittee is authorized to discharge wastewater generated from the coal fired, steam electric power plant to four surface impoundments: West Area Retention Pond (WARP), Storm Water Retention Pond (SWRP) Cholla Reservoir, and Evaporation Pond. The Evaporation Pond is scheduled to become operational in October 2024. Discharges to the Bottom Ash Pond, Fly Ash Pond, and Bottom Ash Monofill are exempt from APP per A.A.C. R18-9-103(5).

The site includes the following permitted discharging facilities:

Table 1: DISCHARGING FACILITIES		
Facility	Latitude	Longitude
Storm Water Retention Pond	34° 56' 27" N	110° 17' 43" W
West Area Retention Pond	34° 56' 28" N	110° 18' 21" W
Cholla Reservoir	34° 56' 00" N	110° 17' 15" W
Evaporation Pond	34° 55' 36" N	110° 16' 41" 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. 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 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 \$29,592,621. The permittee shall maintain financial capability throughout the life of the facility. The estimated closure and post-closure cost is \$30,326,621. The financial assurance mechanism was demonstrated through the financial test for self-assurance in accordance with A.A.C. R18-9-A203 (C)(1)(b) and (c).

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, Table 8: PERMITTED FACILITIES AND BADCT.

2.2.2. Site-Specific Characteristics

Site specific characteristics are a component of BADCT for the discharging facilities located at this site. These discharging facilities are underlain by Little Colorado River alluvium and the Moenkopi Formation, which overlies the Coconino Formation, a regional drinking water aquifer. The Moqui Member of the Moenkopi is comprised of low-permeability evaporite deposits and mudrocks with a permeability of 1×10^{-5} to 1×10^{-6} cm/sec and is considered to be an aquitard separating facility discharges from the Coconino.

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 4.1 and 4.2, and recorded in a log as required by Section 2.7.2. If damage is identified during an inspection that could cause or contribute to a discharge, proper repairs shall be promptly performed in accordance with Section 2.6 of this permit and recorded in a log.

2.2.4.1. Drainage or Seepage Collection Failure

If a drainage structure such as a ditch or diversion berm, or seepage collection systems, fails or is blocked, prompt action shall be taken immediately to temporarily repair the structures with readily available materials, to minimize impacts on or discharges from the facility. The temporary repairs shall be replaced by permanent repairs to be performed as soon as conditions allow. The repairs or permanent replacement of the temporary structure shall be designed in accordance with accepted engineering standards.

2.3. DISCHARGE LIMITATIONS

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

The permittee is authorized to discharge wastewater generated from the two-unit, coal-fired, steam electric power plant. The plant shall be operated in such a manner that the AWQS are not violated at the POCs, and maintaining all disposal ponds in good operational condition. Wastewater generated from plant operations shall be disposed of to four surface impoundments; the WARP, the SWRP, the Cholla Reservoir, and the Evaporation Pond. The Evaporation Pond shall receive discharge from seepage collection systems following the shutdown of coal-fired power generation, expected to occur in 2025. The discharge from the power plant shall be monitored according to Section 4.2, Table 9: DISCHARGE MONITORING – WEST AREA RETENTION POND, Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND, and Table 11: DISCHARGE MONITORING – EVAPORATION POND.

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.

2.4. POINT OF COMPLIANCE (POC)

[A.R.S. § 49-244]

The POCs are established by the following monitoring locations:

Table 2: POINT(S) OF COMPLIANCE						
POC #	POC Location	ADWR Registration Number	Latitude	Longitude	Aquifer	Screen Interval (feet bgs)
1	CR-1R – located West-southwest of the WARP	55-926108	34° 56' 24" N	110° 18' 41" W	LCR Alluvium	28-48
2	DM-4R – located on the southwest side of the Cholla Reservoir	55-91008	34° 55' 43" N	110° 17' 23" W	LCR Alluvium	35-65
3	SWRP POC - West of the SWRP (Conceptual)	NA	34° 56' 22" N	110° 17' 46" W	NA	NA
4	Evaporation Pond POC – West of the Evaporation Pond (Conceptual)	NA	34° 55' 36" N	110° 16' 41" W	NA	NA

- Monitoring requirements for each POC are listed in Section 4.2, Table 11: COMPLIANCE GROUNDWATER MONITORING

The Director may amend this permit to designate additional POCs or monitoring at POC locations, if information on groundwater gradients, discharge quality, or 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. Discharge Monitoring

The permittee shall monitor the wastewater semi-annually according to Section 4.2, Table 9: DISCHARGE MONITORING – WEST AREA RETENTION POND, Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND, and Table 11: DISCHARGE MONITORING – EVAPORATION POND. A representative sample of the wastewater shall be collected from the West Area Retention Pond, Storm Water Retention Pond, and the Evaporation Pond.

2.5.2. Facility / Operational Monitoring

At a minimum, permitted facilities shall be inspected for performance levels listed in Section 4.2:

- Table 13: STORM WATER RETENTION POND INSPECTION
- Table 14: WEST AREA POND INSPECTION
- Table 15: CHOLLA RESERVOIR INSPECTION
- Table 16: EVAPORATION POND INSPECTION

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 and documented. Results of these inspections and monitoring activities and any repairs 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.

The permittee shall comply with the ADWR Dam License safety requirements and ADWR monitoring/reporting requirements, and make these reports available to the ADEQ Groundwater Protection Value Stream.

2.5.3. Groundwater Monitoring and Sampling Protocols

Compliance groundwater monitoring is required under the terms of this permit. For all sampling methods, static water levels shall be measured and recorded prior to sampling.

Wells shall be purged of at least three borehole volumes (as calculated using the static water level) or until field parameters (dissolved oxygen, pH, temperature, turbidity, and conductivity) are stable, whichever represents the greater volume. If evacuation results in the well going dry, the well shall be allowed to recover to 80 percent of the original borehole volume, or for 24 hours, whichever is shorter, prior to sampling. If after 24 hours there is not sufficient water for sampling, the well shall be recorded as “dry” for the monitoring event. An explanation for reduced pumping volumes, a record of the volume pumped, and modified sampling procedures shall be reported and submitted with the Self-Monitoring Report Form (SMRF).

As an alternative method for sampling, the permittee may conduct the sampling using a low-flow purging method in accordance with accepted EPA, USGS, or DOD protocols. The well must be purged until indicator parameters stabilize. Indicator parameters shall include dissolved oxygen, turbidity, pH, temperature, and conductivity.

2.5.3.1. Point of Compliance Well Replacement

In the event that one or more of the designated POC wells should become unusable or inaccessible due to damage, insufficient water in the well for more than two consecutive sampling event, submerged well screens for more than two consecutive sampling events, or any other event, a replacement POC well shall be constructed and installed upon approval by ADEQ. If the replacement well is 50 feet or less from the original well, the ALs and/or aquifer quality limits (AQLs) calculated for the designated POC well shall apply to the replacement well. However, if the permittee can provide a technical demonstration that the original ALs an AQLs are not appropriate for the replacement well, ADEQ may review and consider recalculation of the ALs and AQLs. Pre-existing contamination from the facility does not qualify for revision of ALs and AQLs. Otherwise, the ALs and/or AQLs shall be set following the provisions in Section 2.5.3.4 and Section 2.5.3.5 of this permit.

2.5.3.2. Compliance Groundwater Monitoring

APS shall maintain groundwater monitoring using the wells listed in Section 4.2, Table 12: COMPLIANCE GROUNDWATER MONITORING, and according to the frequency and parameters specified. The permittee may request amendments to the monitoring requirements for specific pollutants if at least 2 years of monitoring data demonstrate that concentrations of those pollutants are non-detectable or below AWQS. Any requests for changes in the sampling frequency and/or parameters shall be reviewed and approved by the ADEQ Groundwater Protection Value Stream prior to implementation. Approved changes in the sampling frequency and/or parameters shall be considered as a permit amendment.

2.5.3.3. Ambient Groundwater Quality Monitoring for Point of Compliance Wells

Ambient groundwater quality monitoring may be required if the permittee installs new POC wells or a replacement POC well is installed such that new ALs and AQLS are deemed necessary for the new

location. The ambient groundwater quality monitoring shall consist of eight consecutive rounds of monitoring for all constituents that are required by the Groundwater Protection Value Stream.

2.5.3.4. Alert Levels for Point of Compliance Wells

ALs have been calculated for all contaminants with an established numeric AWQS for each of the POC wells listed in Section 4.2, Table 12: COMPLIANCE GROUNDWATER MONITORING. If required for any new or replacement POC wells, ALs shall be calculated for all contaminants with an established numeric AWQS, as described below.

Following receipt of the laboratory analyses for the final month of the ambient groundwater monitoring period for each new or replaced POC well, the permittee shall submit the ambient groundwater data in tabulated form to the Groundwater Protection Value Stream for review. Copies of all laboratory analytical reports, field notes, and the Quality Assurance/Quality Control (QA/QC) procedures used in collection and analyses of the samples for all parameters listed in Section 4.2, Table 12: COMPLIANCE GROUNDWATER MONITORING to be established for each POC well, shall be submitted to the Groundwater Protection Value Stream. The permittee may submit a report with the calculations for each AL and AQL included in the permit for review and approval by ADEQ, or the permittee may defer calculation of the ALs and AQLs by the Groundwater Protection Value Stream. The ALs shall be established and calculated by the following formula, or another valid statistical method submitted to Groundwater Protection Value Stream in writing and approved for this permit by the Groundwater Protection Value Stream:

$$AL = M + KS$$

Where M = mean, S = standard deviation, and K = one-sided normal tolerance interval with a 95% confidence level (Lieberman, G.J. (1958) Tables for One-sided Statistical Tolerance Limits: Industrial Quality Control, Vol XIV, No. 10). Obvious outliers should be excluded from the data used in the AL calculation.

The following criteria shall be met in establishing ALs in the permit:

1. The AL shall be calculated for a parameter using the analyses from a minimum of eight sample events.
2. Any data where the laboratory Practical Quantitation Limit (PQL) exceeds 80% of the AWQS shall not be included in the AL calculation.
3. If a parameter is below the detection limit, the permittee must report the value as “less than” the numeric value for the PQL or detection limit for the parameter, not just as “non-detect”. For those parameters, the permittee shall use a value of one-half the reported detection limit for the AL calculation.
4. If the analytical results from more than 50% of the samples for a specific parameter are non-detect, then the AL shall be set at 80% of the AWQS.
5. If the calculated AL for a specific constituent and well is less than 80% of the AWQS, the AL shall be set at 80% of the AWQS for that constituent in that well.

2.5.3.5. Aquifer Quality Limits for POC Wells

For each of the monitored analytes for which a numeric AWQS has been adopted, the AQL shall be established as follows:

1. If the calculated AL is less than the AWQS, then the AQL shall be set equal to the AWQS.
2. If the calculated AL is greater than the AWQS, then the AQL shall be set equal to the calculated AL value, and no AL shall be set for that constituent at that monitoring point

2.5.4. Surface Water Monitoring and Sampling Protocols

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

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 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 current 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, 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

If an operational AL (Performance Standards) set in Section 4.2, Table 13: STORM WATER RETENTION POND INSPECTION, Table 14: WEST AREA POND INSPECTION, Table 15: CHOLLA RESERVOIR INSPECTION, and Table 16: EVAPORATION POND INSPECTION has been exceeded the permittee shall:

1. Within 5 days of discovery of an exceedance, notify ADEQ as specified in Section 2.7.3 of this permit.
2. Within 5 days of discovery of an exceedance, initiate an evaluation to determine the cause of the problem and assess the condition of the impaired system(s) or structure(s). Immediately adjust operational conditions if needed to avoid future occurrences.
3. Within 30 days of discovery, perform necessary repairs or maintenance to return the affected system, structure, or other component as necessary to return the system to operating condition and compliance with this permit. With the exception of the seepage system, the permittee shall not operate the system(s) or structure (resume discharging) until the repairs have been performed to restore proper functioning of the system and/or the problems identified in the evaluation are resolved. Record any repair procedures, methods, and materials used to restore the facility to operating condition in the facility log/recordkeeping file. The facility log/recordkeeping file shall be maintained according to Section 2.7.2 of this permit.
4. Submit records documenting each incident and actions taken to correct the problem in the Annual Report as required in Section 2.7.4 of this permit. Upon review of the report, ADEQ may request additional monitoring or remedial actions.
5. The facility is no longer on alert status once the operational indicator no longer indicates that an AL is being exceeded, the permittee shall, however, complete all tasks necessary to return the facility to its pre-alert operating condition.

2.6.2.1.1. Performance Levels Set for Freeboard

In the event that freeboard performance levels required by Section 4.2, Table 13: STORM WATER RETENTION POND INSPECTION, Table 14: WEST AREA POND INSPECTION, Table 15: CHOLLA RESERVOIR INSPECTION, and Table 16: EVAPORATION POND INSPECTION 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 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 non-compliance with an operational performance level (PL) listed in Section 4.2, Table 13: STORM WATER RETENTION POND INSPECTION, Table 14: WEST AREA POND INSPECTION, Table 15: CHOLLA RESERVOIR INSPECTION, and Table 16: EVAPORATION POND INSPECTION 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 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 Discharge Monitoring

1. If an AL set in Section 4.3, Table 9: DISCHARGE MONITORING – WEST AREA RETENTION POND, Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND, and Table 11: DISCHARGE MONITORING –EVAPORATION POND has been exceeded, the permittee shall immediately investigate to determine the cause of the AL exceedance. 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 AL exceedance;
 - b. Review of recent process logs, reports, and other operational control information to identify any unusual occurrences;
 - c. Sampling of individual waste streams composing the wastewater for the parameters being exceeded;
2. The permittee shall initiate actions identified in the approved contingency plan referenced in Section 5.0 and specific contingency measures identified in Section 2.6 to resolve any problems identified by the investigation, which may have led to an AL exceedance. To implement any other corrective action the permittee shall obtain prior approval from ADEQ according to Section 2.6.6.
3. Within 30 days of an AL exceedance, the permittee shall submit the laboratory results to the Groundwater Protection Value Stream, along with a summary of the findings of the investigation, the cause of the AL exceedance, and actions taken to resolve the problem.

4. Upon review of the submitted report, the Department may amend the permit to require additional monitoring, increased frequency of monitoring, amendments to permit conditions or other actions.

2.6.2.3. Exceeding of Alert Levels in Groundwater Monitoring

2.6.2.3.1. Alert Levels for Indicator Parameters

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

2.6.2.3.2. Alert Levels for Pollutants With Numeric Aquifer Water Quality Standards

1. If an AL for a pollutant set in Section 4.2, Table 12: COMPLIANCE GROUNDWATER MONITORING has been exceeded, the permittee may conduct verification sampling of the pollutant(s) that exceed their respective AL(s) within 5 days of becoming aware of an AL exceedance. The permittee may use the results of another sample taken between the date of the last sampling event and the date of receiving the result as verification.
2. If verification sampling confirms the AL exceedance or if the permittee opts not to perform verification sampling, then the permittee shall increase the frequency of monitoring for the pollutant(s) exceeding their respective AL(s) to monthly. In addition, the permittee shall immediately initiate an investigation of the cause of the AL exceedance, including inspection of all discharging units and all related pollution control devices, review of any operational and maintenance practices that might have resulted in an unexpected discharge, and hydrologic review of groundwater conditions including upgradient water quality.
3. The permittee shall initiate actions identified in the approved contingency plan referenced in Section 5.0 and specific contingency measures identified in Section 2.6 to resolve any problems identified by the investigation which may have led to an AL exceedance. To implement any other corrective action the permittee shall obtain prior approval from ADEQ according to Section 2.6.6. Alternatively, the permittee may submit a technical demonstration, subject to written approval by the Groundwater Protection Value Stream, that although an AL is exceeded, the pollutant(s) that exceed their respective AL(s) are not reasonably expected to cause a violation of an AQL. The demonstration may propose a revised AL or monitoring frequency, for those pollutant(s) that exceed their respective AL(s), for approval in writing by the Groundwater Protection Value Stream.
4. Within 30 days after confirmation of an AL exceedance for those pollutant(s), the permittee shall submit the laboratory results to the Groundwater Protection Value Stream along with a summary of the findings of the investigation, the cause of the AL exceedance, and actions taken to resolve the problem.
5. Upon review of the submitted report, the Department may amend the permit to require additional monitoring, increased frequency of monitoring, or other actions.
6. The increased monitoring for those pollutant(s) required as a result of an AL exceedance may be reduced to annually, if the results of four sequential sampling events demonstrate that the parameter(s) does/do not exceed their respective AL(s), and upon ADEQ approval.
7. If the increased monitoring required as a result of an AL exceedance for those pollutant(s) continues for more than six sequential sampling events, the permittee shall submit a second report documenting an investigation of the continued AL exceedance within 30 days of the receipt of laboratory results of the sixth sampling event.

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

Not applicable.

2.6.3. Discharge Limit Violation

If a DL set in Section 4.2, Table 9: DISCHARGE MONITORING – WEST AREA RETENTION POND, Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND, and Table 11: DISCHARGE MONITORING –EVAPORATION POND has been violated, the permittee shall immediately investigate to determine the cause of the violation. The investigations shall include the following:

1. Within 5 days of discovery of a DL violation, notify ADEQ as specified in Section 2.7.3.
2. Immediately initiate an evaluation to determine the cause for violating the DL. Assess the condition of all treatment processes and systems to identify equipment damage or system failure. Evaluate operational conditions to identify problem areas. Immediately modify operational practices as necessary to prevent future exceedances. Repair any failed or damaged equipment or system as necessary to restore proper functioning and to resolve problems identified in the evaluation.
3. Increase discharge monitoring to monthly until all parameters specified in Section 4.2, Table 9: DISCHARGE MONITORING – WEST AREA RETENTION POND, Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND, and Table 11: DISCHARGE MONITORING – EVAPORATION POND are maintained below the discharge limits and alert levels for at least 4 consecutive months. If the parameters listed in Section 4.2, Table 9: DISCHARGE MONITORING – WEST AREA RETENTION POND, Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND, and Table 11: DISCHARGE MONITORING –EVAPORATION POND are maintained below the DL for 4 consecutive months, the permittee may resume routine discharge monitoring on a semiannual basis.
4. Within 30 days of discovery of violating a DL, the permittee shall submit a written report according to Section 2.7.3, which includes a summary of the findings of the investigation, the cause of the violation, and actions taken to resolve the problem. The permittee shall consider and ADEQ may require corrective action that may include control of the source of discharge, cleanup of affected soil, surface water or groundwater, and mitigation of the impact of pollutants on existing uses of the aquifer. Corrective actions shall either be specifically identified in this permit, included in an ADEQ approved contingency plan, or separately approved according to Section 2.6.6.
5. Within 60 days of discovery, conduct an assessment of the impacts to the subsoil and/or groundwater resulting from the incident. If soil or groundwater is impacted, submit to ADEQ, for approval, a corrective action plan to address problems identified in the assessment, including identification of releases to the environment, remedial actions and/or monitoring, and a schedule for completion of activities. At direction of the ADEQ, the permittee shall implement the approved plan.
6. Within 30 days of completion of corrective actions, submit to the ADEQ, a written report as specified in Section 2.6.6.
7. In the event of a DL violation, the Department may require additional monitoring, increased frequency of monitoring, amendments to permit conditions or other actions.

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

In the event of 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, 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 9: DISCHARGE MONITORING – WEST AREA RETENTION POND, Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND, and Table 11: DISCHARGE MONITORING –EVAPORATION POND 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/Recordkeeping File).

5. 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.
6. 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.
7. 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).
8. 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 9: DISCHARGE MONITORING – WEST AREA RETENTION POND, Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND, and Table 11: DISCHARGE MONITORING –EVAPORATION POND. 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 13: STORM WATER RETENTION POND INSPECTION, Table 14: WEST AREA POND INSPECTION, Table 15: CHOLLA RESERVOIR INSPECTION, and Table 16: EVAPORATION POND INSPECTION. 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/LogBook/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 (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 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 (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.

2.6.3.4. Slope and Berm Failures

If a slope or berm failure involving retention structures (dams) occurs which affects the ability of the facility to operate in accordance with this permit or results in an unauthorized discharge, the permittee shall promptly close the active area in the vicinity of the failure, and conduct a field investigation of the failure to analyze its origin and extent, its impact on the facility operations, temporary and permanent repairs and changes in operational plans considered necessary. Within 30 days of a slope or berm failure, the permittee shall submit a written report, which includes the documentation specified in Section 2.7.3 of this permit. The permittee shall initiate the actions necessary to mitigate the impacts of the failure, consistent with Department approval.

2.6.4. Aquifer Quality Limit Exceedances

1. If an AQL set in Section 4.2, Table 12: COMPLIANCE GROUNDWATER MONITORING has been exceeded, the permittee may conduct verification sampling for those pollutant(s) that were above their respective AQL(s) within 5 days of becoming aware of the exceedance. The permittee may use results of another sample taken between the date of the last sampling event and the date of receiving the result as verification.
2. If verification sampling does not confirm an AQL exceedance, no further action is needed under this Section.
3. If verification sampling confirms that an AQL was exceeded for any parameter or if the permittee opts not to perform verification sampling, then, the permittee shall increase the frequency of monitoring for those parameters as follows:

Table 3: ACCELERATED MONITORING - AQUIFER QUALITY LIMIT VIOLATION	
Specified Monitoring Frequency	Monitoring Frequency for AQL Violation
Daily	Daily
Weekly	Daily
Monthly	Weekly
Quarterly	Monthly
Semi-annually	Quarterly
Annually	Quarterly

In addition, the permittee shall immediately initiate an evaluation for the cause of the violation, including inspection of all discharging units and all related pollution control devices, and review of any operational and maintenance practices that might have resulted in unexpected discharge.

The permittee also shall submit a report according to Section 2.7.3, which includes a summary of the findings of the investigation, the cause of the violation, and actions taken to resolve the problem. A verified exceedance of an AQL will be considered a violation unless the permittee demonstrates within 30 days that the exceedance was not caused or contributed to by pollutants discharged from the facility. Unless the permittee has demonstrated that the exceedance was not caused or contributed to by pollutants discharged from the facility, the permittee shall consider and ADEQ may require corrective action that may include control of the source of discharge, cleanup of affected soil, surface water, or groundwater, and mitigation of the impact of pollutants on existing uses of the aquifer. Corrective actions shall either be specifically identified in this permit, included in an ADEQ approved contingency plan, or separately approved according to Section 2.6.6.

Upon review of the submitted report, the Department may amend the permit to require additional monitoring, increased frequency of monitoring, amendments to permit conditions or other actions.

The permittee shall notify any downstream or downgradient users who may be directly affected by the discharge.

The increased monitoring for those pollutant(s) required as a result of an AQL exceedance may be reduced to the original sampling frequency for each respective pollutant, if the results of three sequential sampling events demonstrate that the parameter(s) does not exceed their respective AQL(s), and upon ADEQ approval.

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 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 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

1. The permittee shall complete the Self-Monitoring Reporting Forms (SMRFs) provided by ADEQ, and submit the completed report through the myDEQ online reporting system. The permittee shall use the format devised by ADEQ.
2. The permittee shall complete the SMRF to the extent that the information reported may be entered on the form. If no information is required during a reporting period, the permittee shall enter “not required” on the form, include an explanation, and submit the form to the Groundwater Protection Value Stream.
3. The tables contained in Section 4.2 list the monitoring parameters and the frequencies for reporting results on the SMRF:
 - a. Table 9: DISCHARGE MONITORING – WEST AREA RETENTION POND
 - b. Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND
 - c. Table 11: DISCHARGE MONITORING –EVAPORATION POND
 - d. Table 12: COMPLIANCE GROUNDWATER MONITORING

The parameters listed in the above-identified tables from Section 4.0 are the only parameters for which SMRF reporting is 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 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).

2.7.3. Permit Violation and Alert Level Status Reporting

1. The permittee shall notify the Groundwater Protection Value Stream within five (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 13: STORM WATER RETENTION POND INSPECTION, Table 14: WEST AREA POND INSPECTION, Table 15: CHOLLA RESERVOIR INSPECTION, and Table 16: EVAPORATION POND INSPECTION, 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

The permittee shall submit an annual report in narrative and/or tabular form to the Groundwater Protection Value Stream, which briefly summarizes the status of compliance under this permit. The report shall identify any contingency actions taken, violations of this permit, or any AL or DL that has been exceeded; shall summarize the findings of the monitoring described in Section 2.5, Section 2.6, and Section 4.0; and shall include any information specifically requested by permit condition to be submitted in the annual report. The annual report is to be submitted by April 30th of each year to cover activities from January 1st through December 31st of the previous year.

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

The following table lists the quarterly SMRF report due dates:

Table 4: QUARTERLY REPORTING DEADLINES	
Monitoring Conducted During Quarter:	Quarterly Report Due By:
January-March	April 30
April-June	July 30
July-September	October 30
October-December	January 30

The following table lists the semi-annual and annual SMRF report due dates:

Table 5: (SEMI-)ANNUAL REPORTING DEADLINES	
Monitoring Conducted:	Report Due By:
Semi-annual: January-June	July 30
Semi-annual: July-December	January 30
Annual: January-December	January 30 of the following year

The following table lists the annual report due dates per Section 2.7.4.1:

Table 6: ANNUAL REPORT DEADLINE	
Monitoring conducted during the year	Annual Report due by:
January 1-December 31	April 30 of the following year

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.
4. Submittal of Self-Monitoring Report Forms (SMRFs) is still required; report “temporary cessation” in the comment section.

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 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. SMRF submittals are still required until Clean Closure is issued.

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 listed below, the permittee shall submit the required information to the Groundwater Protection Value Stream.

Table 7: COMPLIANCE SCHEDULE ITEMS			
No.	Description	Due By:	Permit Amendment Required?
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 3.0, No. 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 the self-assurance demonstration as required in A.A.C. R18-9-A203(C)(1).	April 18, 2024 and every two years thereafter for the duration of the permit.	No
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.	April 18, 2028 and every 6 years thereafter for the duration of the permit	Yes
3	The permittee shall submit construction a construction QA/QC report and as-built drawings, sealed by an Arizona registered professional engineer demonstrating that the Evaporation Pond has been constructed in accordance with plans and specifications approved by ADEQ.	Within 90 days of completing pond construction.	No
4	If the permittee plans to install and use enhanced evaporation systems (EHS) at the Evaporation Pond, the permittee shall submit design documents and manufacturer specifications for the EHS and provide operational measures to ensure that no spray outside the pond boundary occurs.	Prior to installation and operation of the EHS.	Yes

4.0 TABLES OF MONITORING REQUIREMENTS

4.1. PERMITTED FACILITIES AND BADCT

Table 8: PERMITTED FACILITIES AND BADCT

Storm Water Retention Pond:

The SWRP is a 7.6 acre sub-grade holding pond. It is located just to the east of the coal pile and collects storm water from the coal pile and surrounding area. The SWRP has a storage capacity of approximately 32,000,000 gallons.

The SWRP receives discharges from the following:

- a) Surface runoff from the coal storage area;
- b) Coal Handling Reclaim Sump;
- c) Coal Handling Unloading Sump;
- d) Coal; and
- e) Abnormal Operation/Overflow of Plant Equipment.

Outflows from the SWRP include evaporation and infiltration.

The coal storage area covers approximately 25 acres and contains approximately 880,000 tons of western sub-bituminous and bituminous coal, depending on the need. The coal storage area is divided into distinct sections. Runoff from the northern and eastern sides of the coal storage area (about half of the total runoff) is collected in the Storm Water Retention Pond. Runoff from the southern and western sides of the coal storage area is collected in the plant drainage system and pumped to the Sedimentation Tank (which discharges to the plant's general water system) or would drain to the SWRP under heavy precipitation events or accidental line breaks. There is approximately 5 feet of natural clay beneath the coal pile and the coal reclaim areas; the clay layer may or may not be continuous.

Water is lost from the SWRP through evaporation. The basin is formed from compacted native clayey soil. There is approximately 5 feet of natural clay beneath the basin; the clay layer may or may not be continuous. Maximum useable water storage capacity is about 32,000,000 gallons. The rainfall associated with a 100-year flood would raise the level of the Storm Water Retention Basin by about 10 inches over a 24-hour period.

The compacted clayey soil that forms the SWRP forms a good barrier to the aquifers below. Because of the high evaporation to precipitation ratio, the head of water on this basin remains very low. This pond is empty much of the time. BADCT for the Storm Water Retention Pond should be to maintain the existing unlined pond in good condition.

Table 8: PERMITTED FACILITIES AND BADCT

West Area Retention Pond:

The WARP is located southwest of the Sedimentation Pond. The storage capacity of the WARP is approximately 1,855,000 gallons. Discharges to the WARP are comprised of incidental discharges of process waters such as periodic discharges caused by leaks, repair activities, and other low volume intermittent discharges.

The following is a list of discharges to the WARP:

- a) Area Drainage;
- b) Circulating Water;
- c) Process Water;
- d) Wash-down Water; and
- e) Abnormal Operations/Overflows of Plant Equipment.

Outflows from the WARP are as follows:

- a) Sedimentation Tank;
- b) WARP Solids to the BAP;
- c) WARP Solids to the FAP;
- d) Infiltration; and
- e) Evaporation.

The BADCT description for WARP is from information provided in the Other Amendment application received June 28, 2002. The WARP is an unlined retention basin (approximate permeability ranges from 4×10^{-6} cm/sec to 8×10^{-7} cm/sec) located southwest of the Sedimentation Pond. The WARP is an enlargement of the previously existing west area drainage storm detention channel, which was completed when Units 2 through 4 were constructed and is designed to collect surface drainage of stormwater, plant wash water, and incidental discharges of process wastewater. The maximum operating level of the WARP shall be 5,001.6 feet above mean sea level (amsl), which shall be maintained by pumping the contents into the Sedimentation Tank. The WARP is designed for a 100-year, 24-hour storm event and has an approximate storage capacity of 1,885,000 gallons with a 2 foot freeboard at 5,012 feet amsl. The maximum pond elevation is at an elevation of 5,014 feet amsl.

Table 8: PERMITTED FACILITIES AND BADCT

Cholla Reservoir:

The Cholla Reservoir is located to the east/southeast of the Cholla Power Plant. The Reservoir is approximately 300 acres with a storage capacity of approximately 2,200 acre-feet.

Cholla Reservoir receives discharge from the following:

- a) Make-up Water (production wells & Joseph City Irrigation);
- b) Circulating Water from Unit 1;
- c) Cholla Reservoir Seepage Retention Basin Overflow;
- d) Lake Dike Sump;
- e) Service Water;
- f) Unit 1 Lake Intake Sump;
- g) Abnormal Operations/Overflows of Cooling Water Equipment; and
- i) Stormwater.

Outflows from Cholla Reservoir include:

- a) Circulating Water (to Units 1 & 2);
- b) Infiltration;
- c) Evaporation; and
- d) Service & Make-up Water to Units 1 and 3.

The Cholla Reservoir is an ADWR Jurisdictional Dam that was constructed and put in service in 1962. The Cholla Reservoir was constructed in a natural low lying depression north of the Little Colorado River. Cholla Reservoir circulates approximately 190,000 gpm (273.6 million gallons per day [MGD]). The Cholla Reservoir has an area of approximately 360 acres with an approximate capacity of 2,220 acre-feet and comprised of a hot pond and a cold pond which are separated by an earthen dike. The mean depth of the hot pond is approximately 4 feet and the mean depth of the cold pond is approximately 7 feet. The hot pond is approximately 100 acres, and the cold pond is approximately 260 acres. The Primary discharge to the reservoir is non-contact, once-through condenser cooling water return from Unit 1. The subsurface is classified as firm clay soils over the entire reservoir area to a depth of approximately 40 feet. The permeability of the silty-clay formation beneath the reservoir ranges from 1×10^{-4} to 1×10^{-7} cm/sec. The Cholla Reservoir has an engineered earthen embankment having a permeability of 1×10^{-7} cm/sec. The dikes are constructed of homogenous clay core embankment compacted on native high clay, low permeability soils. The subsurface clay material was compacted to achieve a minimum of 95 percent of the maximum dry density below the dike.

The Cholla Reservoir maintains an ADWR approved minimum freeboard of 3 feet. The freeboard level is maintained by controlling the addition of make-up water from the production wells, and increasing the usage of reservoir water as process make-up water to the cooling towers, absorber demister pumps, or blowdown process water to the Fly Ash Pond (FAP; a Coal Combustion Residuals [CCR] unit).

The Cholla Reservoir is equipped with a 1,300 feet long seepage collection and recovery system constructed along the southwest toe of the embankment dike. The seepage trench is sloped to drain into two collection sumps, approximately 5 feet deep. Each sump is equipped with a pump and an auxiliary sump pump as a backup, and piping which return seepage water into the Cholla Reservoir. Seepage south of the railway track is being monitored by using a series of piezometers. Seepage along the western edge of the Cholla Reservoir is collected in a newly constructed seepage basin that is located at the southwest corner of the reservoir. The basin is sized to accommodate an estimated seepage rate of 1.25 gpm and the runoff collected within the basin boundary for the 100-year, 24-hour storm event. An outlet pipe is located near the southeast corner of the seepage basin. Overflow from the outlet pipe flows into the existing seepage trench located south of the reservoir. The seepage basin is designed to have a freeboard of 2.34 feet.

Table 8: PERMITTED FACILITIES AND BADCT

Evaporation Pond:

The 42-acre Evaporation Pond has three (3) hydraulically connected pond segments to facilitate operation which are referred to Pond Segments A, B, and C. The pond segments are divided and surrounded by embankments. The Evaporation Pond has been designed to maintain a non-jurisdictional dam status according to the Arizona Department of Water Resources (ADWR) guidelines. The planned crest of the Evaporation Pond embankments is at an elevation of 5,027.5 feet above mean sea level (amsl); this allows for a total depth of ten feet in the center (segment B) and east (segment C) pond segments, and a total depth of 15 feet in the west (segment A) pond segment. The Evaporation Pond has a minimum 20-foot-wide embankment crest to provide sufficient road access width for maintenance vehicles. The internal pond embankment slopes have been designed at a 4:1 H:V (horizontal:vertical) slope. The external pond embankment slopes have been designed to a 3:1 H:V slope. The bottom of the Evaporation Pond is flat. Based on these dimensions, the Evaporation Pond has a maximum water surface area of approximately 33.1 acres and a maximum capacity of approximately 304 acre-feet (approximately 99.1 million gallons) at the maximum design water level of 5,025 feet amsl or 2.5 feet below the crest of the pond embankment. The basis for the pond surface area and volume were determined based on a predicted inflow regime, where the initial flow rate would begin at 100 gallons per minute (gpm) and decline over time. The Evaporation Pond provides solution containment by using a single-liner system that consists of a UV-resistant 60-mil high-density polyethylene (HDPE) liner compatible with the planned pond contents secured by an engineered trench. Additionally, APS has elected to deploy a low-permeability material (geosynthetic clay liner) beneath the HDPE liner, to satisfy the federal CCR Rule if it is later determined that the Evaporation Pond will be subject to this regulation. The low-permeability material is deployed over a prepared subgrade scarified 12 inches, moisture conditioned and recompacted to a minimum 95% of the maximum dry density. Evaporation Pond segments are hydraulically connected using a 12-inch diameter HDPE piping. The connection piping is installed within the upper portion of the internal embankments, between pond segments, at an invert elevation of 5,024.5 feet amsl. The connection piping is extrusion welded directly to the HDPE liner materials and have pipe boots at each penetration to provide additional protection against leakage. Segment B has been designed to be much narrower than segments A and C to facilitate future deployment of up to 12 PittBoss™ enhanced evaporation units, which will be tethered to anchor points within the crest of the internal embankments. Inflow piping is routed to each of the three pond segments via manifold piping and valving that will allow APS to direct inflow water into any individual pond segment, or to multiple segments at the same time.

It is anticipated that initially the combined flow from the FAP and Bottom Ash Pond (BAP; a CCR unit) seepage collection systems will be approximately 100 gpm but that flow rate is anticipated to decline over time as the surface impoundments are closed and the seepage systems dewater the saturated soils around these ponds. Water balance calculations assume that the flow rate will decrease to 75 gpm by 2027, 50 gpm in January 2030, and 25 gpm in January 2035. Typical operation of the pond will be to direct flows to segment B with overflow to segments A and C to maximize evaporation of the discharged water. The water that will be discharged into the Evaporation Pond is routed via two separate pipelines from the FAP and BAP seepage collection systems.

4.2. COMPLIANCE OR OPERATIONAL MONITORING

Table 9: DISCHARGE MONITORING – WEST AREA RETENTION POND					
Sampling Point Number	Sampling Point Identification			Latitude (North)	Longitude (West)
1	West Area Retention Pond			34° 56' 22"	110° 17' 41"
Parameter	Alert Level	Discharge Limit	Units	Sampling Frequency	Reporting Frequency
Chloride for the Storm Water Retention Pond	Not Established ¹	Not Established	mg/l ²	Semi-annual	Semi-Annual
Fluoride	12	16	mg/l	Semi-annual	Semi-annual
pH	Not Established	Not Established	SU ³	Semi-annual	Semi-annual
Sulfate (SO ₄)	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Total Dissolved Solids (TDS)	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Metals (Dissolved)					
Dissolved Chromium	0.08	0.10	mg/l	Semi-annual	Semi-annual
Radiochemicals					
Gross Alpha including Radium-226 excluding Radon and Uranium	15	Not Established	pCi/l ⁴	Annual	Annual
Radium-226 and Radium-228	5	Not Established	pCi/l	Annual	Annual

¹ Not established means monitoring is required but no limits have been specified.

² Mg/l = milligrams per liter

³ SU = Standard Units

⁴ pCi/l = Picocuries per liter of air

Table 10: DISCHARGE MONITORING – STORM WATER RETENTION POND					
Sampling Point Number	Sampling Point Identification			Latitude (North)	Longitude (West)
2	Storm Water Retention Pond (East) (grab)			34° 56' 55"	110° 17' 41"
Parameter	Alert Level	Discharge Limit	Units	Sampling Frequency	Reporting Frequency
Chloride for the Storm Water Retention Pond	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Fluoride	16	Not Established	mg/l	Semi-annual	Semi-annual
pH	Not Established	Not Established	SU	Semi-annual	Semi-annual
Sulfate (SO4)	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Total Dissolved Solids (TDS)	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Metals (Dissolved)					
Dissolved Chromium	0.10	Not Established	mg/l	Semi-annual	Semi-annual
Radiochemicals					
Gross Alpha including Radium-226 excluding Radon and Uranium	15	Not Established	pCi/l	Annual	Annual
Radium-226 and Radium-228	5	Not Established	pCi/l	Annual	Annual

Table 11: DISCHARGE MONITORING – EVAPORATION POND					
Sampling Point Number	Sampling Point Identification			Latitude (North)	Longitude (West)
3	Evaporation Pond (grab)			34° 55' 36" N	110° 16' 41" W
Parameter	Alert Level	Discharge Limit	Units	Sampling Frequency	Reporting Frequency
Chloride	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Fluoride	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
pH	Not Established	Not Established	SU	Semi-annual	Semi-annual
Sulfate (SO4)	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Total Dissolved Solids (TDS)	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Metals (Dissolved)					
Dissolved Chromium	Not Established	Not Established	mg/l	Semi-annual	Semi-annual
Radiochemicals					
Gross Alpha including Radium-226 excluding Radon and Uranium	Not Established	Not Established	pCi/l	Annual	Annual
Radium-226 and Radium-228	Not Established	Not Established	pCi/l	Annual	Annual

Table 12: COMPLIANCE GROUNDWATER MONITORING

Sampling Point Number	Well Number	Well ID	Cadastral Location	ADWR Registration Number	Latitude (North)	Longitude (West)
4	CR-1R	TW	(18-19)22ddb	55-540672	34° 56' 24"	110° 18' 41"
5	DM-4R	LCR	(18-19)26dab	55-910008	34° 55' 43"	110° 17' 23"
Parameter	Alert Level	Aquifer Quality Limit	Units	Sampling Frequency	Reporting Frequency	
Chloride for CR-1R	1,300	Not Established	mg/l	Annually	Annually	
Chloride for DM-4R	Not Established	Not Established	mg/l	Annually	Annually	
Fluoride	3.2	4.0	mg/l	Annually	Annually	
Nitrate (as N)	8	10	mg/l	Annually	Annually	
Nitrite (as N)	0.8	1.0	mg/l	Annually	Annually	
pH	Not Established	Not Established	SU	Annually	Annually	
Sulfate (SO ₄)	Not Established	Not Established	mg/l	Annually	Annually	
Total Dissolved Solids (TDS)	Not Established	Not Established	mg/l	Annually	Annually	
Boron	Not Established	Not Established	mg/l	Annually	Annually	
Dissolved Chromium	0.08	0.10	mg/l	Annually	Annually	

Table 13: STORM WATER RETENTION POND INSPECTION			
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.			
Facility Name / Pollution Control Structure / Parameter	Operational Requirement / Performance Standards	Inspection Frequency	Reporting Frequency
Freeboard	Minimum of 3 feet	Monthly	See Section 2.7.3
Embankment integrity	No impairment or excessive erosion	Monthly	See Section 2.7.3

Table 14: WEST AREA POND INSPECTION			
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.			
Facility Name / Pollution Control Structure / Parameter	Operational Requirement / Performance Standards	Inspection Frequency	Reporting Frequency
Freeboard	Minimum of 2 feet	Monthly	See Section 2.7.3
Embankment integrity	No impairment or excessive erosion	Monthly	See Section 2.7.3
Pump integrity	Good working condition	Monthly	See Section 2.7.3
Pipeline integrity from the West Area Retention Pond to the Sedimentation Pond	No leaks or visible damage, good working condition	Monthly	See Section 2.7.3

Table 15: CHOLLA RESERVOIR INSPECTION			
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.			
Facility Name / Pollution Control Structure / Parameter	Operational Requirement / Performance Standards	Inspection Frequency	Reporting Frequency
Dam integrity	No noticeable structural weakness, seepage erosion, or other hazardous conditions such as sloughing, movement of the toe or rip-rap failures	Monthly	See Section 2.7.3
Freeboard	Minimum of 3 feet	Monthly	See Section 2.7.3
Embankment integrity	No impairment or excessive erosion	Monthly	See Section 2.7.3
Pump integrity	Good working condition	Monthly	See Section 2.7.3
Seepage Collection System	Good working condition including pumps, flow meters, pipes and sumps. Seepage volume does not exceed capacity of collection system, which includes the trench located south of the reservoir and the retention basin located to return seepage to Cholla Reservoir	Monthly	See Section 2.7.3

Table 16: EVAPORATION POND INSPECTION

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.

Facility Name / Pollution Control Structure / Parameter	Operational Requirement / Performance Standards	Inspection Frequency	Reporting Frequency
Freeboard	Minimum of 2.5 feet	Monthly	See Section 2.7.3
Embankment integrity	No impairment or excessive erosion	Monthly	See Section 2.7.3

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: September 28, 2022

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).