

**STATE OF ARIZONA
SIGNIFICANT AMENDMENT TO
AQUIFER PROTECTION PERMIT NO. P-102370
PLACE ID # 15585, LTF # 48001**

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, BHP Copper, Inc. (BHP) is hereby authorized to close the San Manuel Plant Site facilities located northwest of San Manuel, Pinal County, Arizona, over groundwater of the San Pedro River Basin, in Township 9 South, Range 17 East, Sections 16, 21, 22, 25, 26, 27, 28, 29, 32, 33, 35, and 36 of the Gila and Salt River Base Line and Meridian.

This amendment replaces the original permit and becomes effective on the date of the Water Quality Division Director's signature and shall be valid for the closure and post-closure of the facility, unless suspended or revoked pursuant to A.A.C. R18-9-A213. The permittee shall close, monitor, 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 points 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:	BHP Copper Inc., San Manuel Plant Site	
Permittee: BHP Copper, Inc. (BHP)	Mailing Address: P.O. Box M San Manuel, AZ 85631	Facility's Street Address: 28545 South Veterans Memorial Blvd San Manuel, AZ 85631
Facility Contact: Mr. Jeff Parker Manager Sustainability and External Affairs	(520) 219-3524	
Emergency Telephone Number:	(520) 419-2590	
Latitude: 32° 36' 56" North	Longitude: 110° 37' 16" West	
Legal Description: Township 9 South, Range 17 East, Sections 16, 21, 25, 26, 27, 28, 29, 32, 35, and 36, of the Gila and Salt River Base Line and Meridian.		

1.2 AUTHORIZING SIGNATURE

Joan Card, Director
Water Quality Division
Arizona Department of Environmental Quality

Amanda Stone, Director
Waste Programs Division
Arizona Department of Environmental Quality

Signed this ____ day of _____, 2009

Signed this ____ day of _____, 2009

THIS AMENDMENT SUPERSEDES THE PREVIOUS PERMIT

2.0 SPECIFIC CONDITIONS [A.R.S. §§ 49-203(A), 49-241(A)]**2.1 FACILITY / SITE DESCRIPTION [A.R.S. § 49-243(K)(8)]**

The San Manuel Plant Site is located adjacent to the Town of San Manuel in Pinal County and consisted of the Plant Area (milling and processing facilities) and the Tailings Area (tailings impoundments). The Plant Site processed ore from the San Manuel Mine (Mine Site), and other BHP operations, and performed custom smelting of concentrates from other copper producers from 1953 to 1999.

Plant Site construction was started in 1953 and completed in 1955 for the Concentrator/Mill, oxidation ponds, and Tailings Impoundment #1/2. Milling and processing facilities continued to be constructed and the Smelter was completed, with the first copper anode poured on January 8, 1956. By April 1956, the molybdenum sulfide section of the Concentrator/Mill was put into operation. The cyanide plant for the recovery of gold from the molybdenum sulfide concentrate was added in July 1960. In 1964, operations were expanded with the installation of a primary crushing plant and additions to the grinding and flotation circuits of the Concentrator/Mill increasing production by 4,000 tons per day (tpd). By 1965, the facility was operating at a capacity of 40,000 tpd. The Refinery, added in 1971, was designed to produce 200,000 tons per year of refined copper. The slag processing facility began operations in 1986. The Smelter and reverberatory furnaces were replaced in 1988 by a more efficient Outokumpu flash smelting furnace. On May 1, 1999, the Smelter was shut down for a major maintenance and rebuilding campaign, halting most of the Plant Site production activities. The smelting/refining operations were put into "care and maintenance" status on June 24, 1999, without starting the rebuilt smelter. BHP announced closure of the Plant Site on October 23, 2003. In July 2004, BHP submitted a Work Plan for an Aquifer Protection Permit (APP) application for the area-wide closure of the San Manuel Plant Site to the Arizona Department of Environmental Quality (ADEQ).

The site topography directed spills, wash water, and process overflows to be collected and recycled in the mill circuit. Process water was collected in the tailings impoundments, located downhill of the Plant Area. Supernatant (decant) water from the tailings impoundments was piped to collection ponds and pumped back to the Concentrator/Mill for reuse. When operations were suspended in 1999, the ore processing facilities within the Plant Area ceased to be used. Subsequent to the closure decision in October 2003, the processing facilities were closed permanently and have been removed in accordance with a closure design plan approved by ADEQ.

Seven tailings impoundments were operated from 1955 to 1995, covering approximately 3,407 acres; these later merged and were operated and managed as five impoundments. Dust mitigation programs for Tailings Impoundments #1/2 and #6 were conducted in 1990, 1991, and 1993. Flat and sloped areas were capped with borrow material and revegetated with a variety of site-adapted species of grasses, shrubs, trees, and reclaimed native vegetation. In 2000, as an interim measure after operations ceased, all of the tailings impoundments were covered with an average 3 inches of soil as a dust control measure.

In July 2004, BHP submitted a Work Plan for an Aquifer Protection Permit (APP) application for the area-wide closure of the San Manuel Plant Site to the Arizona Department of Environmental Quality (ADEQ). Design plans for the closure of the Tailings and Plant areas were submitted to ADEQ in April and June 2005, respectively. Closure construction activities began in December 2005 and were completed in July 2007. The area-wide APP to close the Plant Site was approved by ADEQ on December 6, 2007.

The Plant Site contains three landfills – a Solid Waste landfill and an Asbestos landfill, both of which are still active and a closed Wood Landfill (formerly named Wood Dump). The Solid Waste and Wood Landfills are regulated by the Groundwater Section APP program; the future closure of the Asbestos Landfill will be regulated by ADEQ Solid Waste APP program.

This permit authorizes the closure of the discharging facilities at the Plant Site listed in Table 2.1.1 and described as follows:

ADEQ Facility #	BHP Facility #	Discharging Facility Name	Latitude	Longitude
1	D-79	Tailings Impoundment # 1/2	32° 37' 42" N	110° 36' 03" W
2	D-80	Tailings Impoundment # 3/4	32° 36' 52" N	110° 35' 17" W
3	D-81	Tailings Impoundment # 5	32° 36' 22" N	110° 03' 30" W
4	D-82	Tailings Impoundment # 6	32° 36' 32" N	110° 33' 31" W
5	D-83	Tailings Impoundment # 10	32° 38' 41" N	110° 36' 03" W
6	C-104	Collection Pond # 1	32° 38' 12" N	110° 35' 50" W
7	C-105	Collection Pond # 6	32° 36' 40" N	110° 33' 05" W
8	C-106	Collection Pond # 10	32° 38' 50" N	110° 36' 07" W
9	E-#48	Solid Waste Landfill	32° 36' 25" N	110° 36' 25" W
10	E-50	Wood Landfill	32° 36' 44" N	110° 36' 04" W

Note: The latitude and longitude given are in the center of the facilities.

Tailings Impoundment Facilities

Historically, approximately 707 million tons of tailings were deposited in seven impoundments covering approximately 3,414 acres east of the Plant Area and adjacent and to the west of the San Pedro River. The embankments were all constructed using the upstream deposition method. Until 1996, the embankments were raised using the coarse fraction of cycloned tailings. Thereafter, the embankments were raised with spigotted (i.e., not cycloned) tailings from the beach adjacent to the embankments. The supernatant water was piped under the impoundments (via gravity flow) to ponds at the toe and then recycled to the plant. Characterization of the tailings impoundment facilities was initiated in 2004 for closure design.

The cover design for the tailings basins consists of a mounded cover of random fill over the central area of the basin, where the tailing slimes were generally concentrated, and a minimum of 1 foot of fill cover elsewhere. The reclamation design for the dam slopes consists of 2 feet of coarse alluvium cover on the upper third of the dams, and 1 foot of crushed rock armor over 1 foot of fill cover on the lower two-thirds of the dams.

The closure design restricts the introduction of water to the tailings impoundment facilities through the construction of diversion channels upstream of the facilities to reduce run-on and to collect the storm water runoff from the covered tailings impoundment basin. The closure design restricts discharges of tailings from the tailings impoundment facilities by protecting the integrity of the embankments through slope stabilization and by collecting clean storm water runoff from the covered tailings impoundment basin in diversion channels. Emergency spillways designed for the 6-hour and 72-hour Probable Maximum Precipitation (PMP) event have also been added to prevent over-topping of the embankments. Vegetative cover on all tailings impoundment facilities will reduce water infiltration, prevent erosion, and mitigate fugitive dust.

2.1.1 Tailings Impoundment #1/2 (D-79)

Tailings Impoundment #1/2 (D-79) is located west of the San Pedro River and east of the Plant Site. The impoundment contains a total surface area of 658 acres and approximately 128 million tons of tailings. Two tailings impoundments were operated as one facility and were the primary tailings depositional site from 1955 to 1969. Tailings Impoundment #1/2 was subsequently used only for emergency tailings disposal during major process upsets. The facility received and stored storm runoff, sewage treatment effluent, and some Plant Site process discharges until closure in 2006. Decant water was intercepted by Collection Pond #1 (C-104) for evaporation or reuse in the concentrator circuit. Collection Pond # 1 (C-104) has been filled with random fill material, covered and re-graded to shed storm water runoff.

This Tailings Impoundment is no longer in operation and was re-graded, covered and armored according to the closure work outlined in Section 4.1 Table 1A. After closure, this facility will not receive any tailings, wastewater or any other waste materials.

2.1.2 Tailings Impoundment #3/4 (D-80)

Tailings Impoundment #3/4 (D-80) is located west of the San Pedro River and southeast of the Plant Site. The impoundment contains a total surface area of 885 acres and approximately 198 million tons of tailings. Two tailings impoundments were operated as one facility; the merged impoundment was one of the depositional sites for final Concentrator/Mill tailings from 1957 to 1994. The impoundment has not received any concentrator tailings since 1999. Storm water runoff and decant water were intercepted by Collection Pond #1 (C-104) for evaporation or reuse in the concentrator circuit. Collection Pond #1 (C-104) has been filled with random fill material, covered and re-graded to shed storm water runoff.

This Tailings Impoundment is no longer in operation and was reshaped, capped, and armored according to the closure work outlined in Section 4.1, Table 1A. After closure, this facility will not receive any tailings, wastewater or any other waste materials.

2.1.3 Tailings Impoundment #5 (D-81)

Tailings Impoundment #5 (D-81) is located west of the San Pedro River and southeast of the Plant Site. The impoundment contains a total surface area of 528 acres and an accumulated tonnage of approximately 98 million tons of tailings. The impoundment was the depositional site for Concentrator tailings from 1964 to 1995. The impoundment has not received any concentrator tailings since 1999. Storm water runoff and decant water was intercepted by Collection Pond #1 (C-104) for evaporation or reuse in the concentrator circuit. Collection Pond #1 has been filled with random fill, covered and re-graded to shed storm water runoff.

This Tailings Impoundment is no longer in operation and was reshaped, capped, and armored according to the closure work outlined in Section 4.1, Table 1A. After closure, this facility will not receive any tailings, wastewater or any other waste materials.

2.1.4 Tailings Impoundment #6 (D-82)

Tailings Impoundment #6 (D-82) is located west of the San Pedro River and southeast of the Plant Site. The impoundment contains a total surface area of 449 acres and an accumulated tonnage of approximately 94 million tons of tailings. The impoundment was the depositional site for Concentrator tailings from 1969 to 1995. The impoundment has not received any concentrator tailings since 1999. Storm water runoff and decant water was intercepted by Collection Pond #6 (C-105) for evaporation or reuse in the concentrator circuit. Collection Pond #6 has been filled with random fill, covered and re-graded to shed storm water runoff.

This Tailings Impoundment is no longer in operation and was reshaped, capped, and armored according to the closure work outlined in Section 4.1, Table 1A. After closure, this facility will not receive any tailings, wastewater or any other waste materials.

2.1.5 Tailings Impoundment #10 (D-83)

Tailings Impoundment #10 (D-83) is located west of the San Pedro River and northeast of the Plant Site. The impoundment contains a total surface area of 894 acres and an accumulated tonnage of approximately 189 million tons of tailings. The impoundment is the largest impoundment at the Plant Site and was the depositional site of Concentrator tailings from 1970 to 1999. The impoundment has not been used since 1999. Storm water runoff and decant water were intercepted by Collection Pond #10 (C-106) for evaporation or reuse in the concentrator circuit. Collection Pond # 10 has been cleaned and re-graded to be a sedimentation pond with a spillway. The material in the collection pond was pushed onto the tailings embankment, covered, with 1 foot of clean fill and covered with rock armor. It is now a storm water facility.

This Tailings Impoundment is no longer in operation and was reshaped, capped, and armored according to the closure work outlined in Section 4.1, Table 1A. After closure, this facility will not receive any tailings, wastewater or any other waste materials.

2.1.6 Collection Pond #1 (C-104)

This facility was constructed of native material and consisted of earthen berms surrounding an excavated area and divided into three bermed areas having a total area of 4.1 acres with an approximate capacity of 32 acre-feet.. Collection Pond #1, located downgradient from the toe of Tailings Impoundment #1/2, received and stored decant water produced via the decant pipelines from Tailing Impoundments #1/2 (D-79), #3/4 (D-80) and #5 (D-81). Also, decant water from Collection Ponds #6 (C-105) and #10 (C-106) was pumped to Collection Pond #1 for pumping back to the concentrator for reuse. The pond bottom dried up following operations termination at plant site closure.

This pond has been excavated, filled with clean dirt, re-graded to shed storm water and covered with clean fill.

2.1.7 Collection Pond # 6 (C-105)

This facility was constructed of native material and consisted of earthen berms surrounding an excavated area having a total area of 2.2 acres with an approximate capacity of 17.6 acre-feet. Collection Pond #6 (C-105) received and stored decant water produced via the decant pipeline from Tailing Impoundments #6 (D-82). The pond bottom dried up following operations termination at plant site closure.

This pond has been excavated, filled with clean dirt, re-graded to shed storm water and covered with clean fill.

2.1.8 Collection Pond # 10 (C-106)

This facility was constructed of native material and consisted of earthen berms surrounding an excavated area having a total area of 2 acres with an approximate capacity of 16 acre-feet. Collection Pond #10 (C-106) received and stored decant water produced via the decant pipeline from Tailing Impoundments #10 (D-83). The pond bottom dried up following operations termination at plant site closure.

This pond has been regarded covered with clean fill and rock armor and has been transformed into a sedimentation pond with a spillway outfall.

2.1.9 Solid Waste Landfill (E-#48)

The Solid Waste Landfill (Magma Copper facility E-#48) is at the southwest corner of Tailings Impoundment #1/2 (D-79) and consists of approximately 14.6 acres. Waste material in this facility consists chiefly of rubber, glass, paper, wood and metal scrap from the Plant Site. The solid waste is periodically (weekly during operations) covered by indigenous soils utilizing bulldozers. Volumes of waste received at the landfill during operations ranged from 300 to 600 tons during a three month period.

2.1.10 Wood Landfill (E-50)

The Wood Landfill (E-50) is located at the southwest corner of Tailings Impoundment #3/4 (D-80) and covers approximately 3.88 acres. Waste material in this facility consists of inert waste wood and minor associated concrete from the Plant Site. The volume of waste deposited in the Wood Landfill was approximately 4 to 6 tons weekly during operations. Between 2003 and 2007, approximately 17,600 tons were deposited. The waste was covered periodically with indigenous soils by bulldozers. The Wood Landfill was no longer active after January 2007, and reclamation was completed by January 2008. The Wood Landfill was regraded, covered with clean fill, and revegetated.

Annual Registration Fee [A.R.S. § 49-242(D)]

The Annual Registration Fee for this permit is established by A.R.S. § 49-242 and is payable to ADEQ each year. The design flow (tailings discharge) is estimated to be 100,000 gallons or more per day.

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 permittee shall maintain financial capability throughout the life of the facility. The financial capability was demonstrated pursuant to A.A.C. R18-9-A203(B)(1), utilizing a statement dated October 1, 2004, from Mr. Mike McGowan, Controller, BHP Copper, Inc., San Manuel Operation, indicating that BHP is financially capable of meeting the closure cost obligation for the San Manuel Plant Site. This statement is supplemented by the current annual report for BHP Billiton, the parent company of BHP Copper, Inc. The estimated capital and operating costs for post-closure maintenance and monitoring activities are \$220,000 per year.

2.2 BEST AVAILABLE DEMONSTRATED CONTROL TECHNOLOGY (BADCT) [A.R.S. § 49-243(B) and A.A.C. R18-9-A202(A)(5)]

2.2.1 Engineering Design

The facilities list and BADCT descriptions are included in Section 4.1, Table 1A.

2.2.2 Site-specific Characteristics

Not applicable

2.2.3 Pre-operational Requirements

Not applicable

2.2.4 Operational and Closure Requirements

A description of required inspections for the discharging facilities is presented in Section 4.2, Table 2A. If damage is identified during an inspection that could cause or contribute to a discharge, proper repairs shall be promptly performed.

2.3 DISCHARGE LIMITATIONS [A.R.S. §§ 49-201(12), 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, overtopping (e.g., exceeding the maximum storage capacity, defined as a fluid level exceeding the crest elevation of a permitted impoundment), berm breaches that result in an unexpected loss of fluid, accidental spills, or other unauthorized discharges. The discharge limitations in this section are not applicable to any discharge caused by precipitation in excess of a single 100-year/24-hour storm event or process overflow during a power outage exceeding 24 hours in duration.

2.4 POINTS OF COMPLIANCE [A.R.S. § 49-244]

The points of compliance (POCs) at the Plant Site are established at the monitoring locations shown in Table 2.4.

Five existing groundwater monitoring wells (SMW-17, SMW-18, SMW-19, SMW-20, and SMW-22) shall be included as POC wells. Ambient groundwater quality sampling has been completed. Eight quarterly samples were taken to establish baseline conditions and calculate aquifer quality limits (AQLs) and alert levels (ALs). The monitoring requirements for each POC well are listed in Section 4.2, Table 2B.

Well Number	Cadastral Location	Latitude	Longitude	ADWR Number
SMW-17	D(9-17)16ada	32° 38' 55" N	110° 35' 60" W	55-900316
SMW-18	D(9-17)22dab	32° 38' 04" N	110° 35' 40" W	55-900317
SMW-19	D(9-17)26bda	32° 37' 18" N	110° 34' 43" W	55-900318
SMW-20	D(9-17)25ddd	32° 36' 54" N	110° 33' 14" W	55-900319
SMW-22	D(9-17)16abb	32° 39' 32" N	110° 36' 33" W	55-900681

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) and A.A.C. R18-9-A206(A)]

All monitoring required in this permit shall continue for the duration of the permit, regardless of the status of the facility. 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. Samples shall be submitted to an environmental laboratory licensed in Arizona (refer to Section 2.5.5). The permittee shall consult the most recent version of the ADEQ Quality Assurance Project Plan (QAPP) and Environmental Protection Agency (EPA) 40 CFR PART 136 for guidance in this regard. 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

Not applicable

2.5.2 Facility Closure Monitoring

The facility monitoring during closure shall consist of site inspections relating to the storm water drainage network, slope stability, soil cover and monitoring groundwater quality. The site inspections and monitoring requirements are listed in Section 4.2, Table 2A. Groundwater monitoring requirements are listed in Section 4.2, Table 2B. The monitoring points are listed in Table 2.4.

2.5.3 Groundwater Monitoring and Sampling Protocols

2.5.3.1 Groundwater Sampling

Water levels shall be measured and recorded prior to sampling. Sampling shall be conducted using the low-flow purging method as described in the ASTM International standard D6771-02 and EPA Groundwater Issue 540/S-95/504 "Low-Flow (Minimal Drawdown) Groundwater Sampling Procedures." The well shall be purged until indicator parameters stabilize. Indicator parameters shall include dissolved oxygen, turbidity, pH, temperature, specific conductance and oxidation-reduction potential. Purging and sampling shall be accomplished using dedicated low-flow pumps already installed in each well and approved by ADEQ.

If the low-flow system is removed, wells shall be purged of at least three borehole volumes (as calculated using the static water level), or until indicator parameters (pH, temperature, 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).

2.5.3.2 Ambient Groundwater Quality Monitoring for POC wells

Eight monthly rounds of groundwater sampling have been completed to establish ambient groundwater quality conditions for SMW-17, SMW-18, SMW-19, SMW-20 and SMW-22. Each ambient groundwater sample was analyzed for the parameters listed in Section 4.2, Table 2B.

2.5.3.3 Alert Levels for POC Wells

ALs and AQLs were calculated for all hazardous and non-hazardous parameters with an established AWQS. Calculations were based on the analytical results from ambient sampling from each well using ADEQ calculation methods and approved by ADEQ on January 23, 2007. The complete list of monitored parameters and the AL and AQL for each parameter is presented in Section 4.2, Table 2B.

In the event that the Director determines that an additional POC well is needed, or if a POC well needs to be replaced, the permittee shall establish ambient groundwater quality for the well for the parameters listed in Section 4.2, Table 2B. For a replacement well, the permittee shall follow the requirements in Section 2.5.3.6. Where required, ALs and AQLs for parameters with established AWQS shall be calculated according to ADEQ methods as follows:

The permittee shall submit the ambient groundwater data in tabulated form to the Groundwater Section (GWS), 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 2B to be established for each POC well, shall be submitted to the GWS. 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 request calculation of the ALs and AQLs by the GWS. The ALs shall be established and calculated by the following formula, or another valid statistical method submitted to GWS, in writing and approved for this permit by the GWS:

$$AL = \bar{0} + K\Phi$$

Where $\bar{0}$ = mean, Φ = standard deviation, and K = one-sided normal tolerance interval with a 95 percent confidence level (Lieberman, G.J. [1958] Tables for One-sided Statistical Tolerance Limits: Industrial Quality Control, Vol XIV, No. 10). Values in the sample data set determined to be statistical outliers must 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. The permittee shall not use more than 12 sample rounds in the calculation of a parameter.
2. Any data where the PQL exceeds 80 percent of the AWQS shall not be included in the AL calculation.
3. If a parameter is below the detection limit, 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 percent of the samples for a specific parameter are non-detect, then the AL shall be set at 80 percent of the AWQS.

2.5.3.4 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.

2.5.3.5 Compliance Groundwater Quality Monitoring for POC

Annual compliance groundwater monitoring in each POC well shall commence within the first calendar quarter following permit issuance. The parameters to be analyzed for annual compliance monitoring are listed in Section 4.2, Table 2B.

The permittee may submit a written request to the Ground Water Section, APP and Drywell Unit to reduce the monitoring parameters in annual Compliance Groundwater Monitoring Section 4.2, Table 2B in Section 4.0 in accordance with the following criteria:

1. The parameter in question has not been detected for at least three, consecutive, annual, monitoring periods. The PQL reported by the laboratory shall be less than 80 percent of the established numeric AWQS, and shall not be greater than three times the laboratory's method detection limit for that pollutant.
2. The permittee shall submit a written report indicating the parameter(s) proposed for deletion and accompanied by the supporting data, including the laboratory analytical reports and quality assurance/quality control data to the ADEQ GWS for review and approval.
3. Upon review and approval by the ADEQ GWS, the parameter in question may be dropped from the list of monitoring parameters or the respective AQL or AL modified in the permit. The respective changes, if approved, will require an amendment to the permit.

2.5.3.6 POC Well Replacement

In the event that one or more of the designated POC wells should become unusable or inaccessible due to damage, a decrease in water levels, or any other event, a replacement POC well shall be installed upon approval by ADEQ. If the replacement well is located within 100 feet of the existing well and is screened within the same aquifer, the ALs, AQLs and monitoring frequency established in the permit for the existing well shall apply to the replacement well. If the replacement well is located more than 100 feet away or is completed in a different geologic formation or different aquifer, the ALs and AQLs must be established for the replacement well in accordance with Sections 2.5.3.3 and 2.5.3.4.

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 Arizona state approved method exists, then any appropriate Environmental Protection Agency- (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. Analyses shall be performed by a laboratory licensed by the Arizona Department of Health Services (ADHS), Office of Laboratory Licensure and Certification. 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 Ave.
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 this permit can be collected. If new groundwater wells are determined to be necessary, the construction details shall be submitted to the ADEQ GWS 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), 49-243 (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 the approved contingency and emergency response plan(s) submitted in response to the Compliance Schedule, Section 3.0, 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 that is exceeded or any violation of an AQL, or other permit condition shall be reported to ADEQ following the reporting requirements in Section 2.7.3.

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

2.6.2 Exceeding of Alert Levels**2.6.2.1 Exceeding of Alert Levels Set for Operational Conditions**

Not applicable

2.6.2.2 Exceeding of Alert Levels Set for Discharge Monitoring

Not applicable

2.6.2.3 Exceeding of Alert Levels in Groundwater Monitoring**2.6.2.3.1 Alert Levels for Indicator Parameters**

Not applicable

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 2B has been exceeded, the permittee may conduct verification sampling of the parameter and well with the exceedance within 5 days of becoming aware of an AL being exceeded. 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 being exceeded or if the permittee opts not to perform verification sampling, then the permittee

shall increase the frequency of monitoring of that well and that parameter to monthly. In addition, the permittee shall immediately initiate an investigation of the cause of the AL being exceeded, 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 and specific contingency measures identified in Section 2.6 to resolve any problems identified by the investigation which may have led to an AL being exceeded. To implement any other corrective action the permittee shall obtain prior approval from ADEQ according to Section 2.6.5. Alternatively, the permittee may submit a technical demonstration, subject to written approval by the Groundwater Section, that although an AL is exceeded, pollutants are not reasonably expected to cause a violation of an AQL. The demonstration may propose a revised AL or monitoring frequency for approval in writing by the Groundwater Section.
4. Within 30 days after confirmation of an AL being exceeded, the permittee shall submit the laboratory results to the Water Quality Compliance Section, Data Unit along with a summary of the findings of the investigation, the cause of the AL being exceeded, 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 required as a result of ALs being exceeded may be reduced to the regularly scheduled frequency, if the results of three, consecutive, monthly, sequential, sampling events demonstrate that no parameters exceed the AL.

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 Limitations Violations

2.6.3.1 Containment Structure Failure, or Unexpected Loss of Fluid

In the event of containment structure failure, or unexpected loss of fluid such that storm water runoff is released to the surface or to the vadose zone, 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.
2. Within 24 hours of discovery, notify ADEQ Water Quality Compliance Section (WQCS).
3. Within 5 days of discovery of a failure that resulted in a release to the subsurface, collect representative samples of the fluid remaining. Samples shall be analyzed for the parameters specified in Section 4.2, Table 2B. Within 30 days of the incident, submit a copy of the analytical results to ADEQ Water Quality Compliance Section.
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 surface impoundment. Implement corrective actions as necessary to resolve the problems identified in the evaluation. Initiate repairs as needed. Repair procedures, methods, and materials used to restore the system(s) to proper closure

conditions shall be described in the facility log/recordkeeping file and available for ADEQ review.

5. As soon as practicable, take remedial actions to prevent further releases to the subsurface and/or to perform repairs. Record in the facility log/recordkeeping file the amount of fluid removed, a description of the removal method, and other disposal arrangements. The facility log/recordkeeping file shall be maintained according to Section 2.7.2 (Inspection / Log Book Recordkeeping).
6. Within 30 days of discovery of the incident, submit a report to ADEQ as specified in Section 2.7.3 (Permit Violation and AL 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, conduct an assessment of the impacts to the subsoil and/or groundwater resulting from the incident. 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.
8. 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.

2.6.3.2 Overtopping of a Tailings Impoundment

Not applicable

2.6.3.3 Inflows of Unexpected Materials to a Tailings Impoundment or Surface Impoundment

Not applicable

2.6.3.4 Unexpected Loss of Tailings Material from the Tailings Facilities

If there is an unexpected loss of tailings materials owing to a stability failure of a tailings facility, the permittee shall take the following actions:

1. Within 24 hours of discovery, notify the ADEQ WQCS.
2. Within 5 days of discovery of a failure that resulted in a significant release to the surface, implement temporary measures to contain released material and collect representative samples of the tailings material and associated runoff if present. Solid samples shall be analyzed for the total metals in the solids according to the metal parameters specified in Section 4.2, Table 2B. Within 30 days of the incident, submit a copy of the analytical results to ADEQ WQCS.
3. 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 tailings facility. Implement corrective actions as necessary to resolve the problems identified in the evaluation. Initiate repairs to any failed system, structure, or other component as needed to restore proper functioning of the tailings facilities. Repair procedures, methods, and materials used to restore the system(s) to proper closure condition shall be described in the facility log/recordkeeping file and made available for ADEQ review.
4. Within 30 days of discovery of the incident, 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. Upon review of the report, ADEQ may request additional monitoring or remedial actions.
5. Within 60 days of discovery, conduct an assessment of the impacts to the subsoil and/or groundwater resulting from the incident, including geophysical assessment of release to the sub-surface. If soil or groundwater is impacted such that there is a

reasonable probability that pollutants will reach an aquifer, submit to ADEQ a corrective action plan for approval. The plan shall 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 the direction of ADEQ, the permittee shall implement the approved plan.

6. Within 30 days of completion of corrective actions, submit to ADEQ a written report as specified in Section 2.6.6 (Corrective Actions).

2.6.4 Aquifer Quality Limit Violations

1. If an AQL set in Section 4.2, Table 2B has been exceeded, the permittee may conduct verification sampling of that parameter in the well with the exceedance within 5 days of becoming aware of an AQL being exceeded. 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 that the AQL is violated for any parameter or if the permittee opts not to perform verification sampling, then the permittee shall increase the frequency of monitoring to monthly. 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.
3. Upon review of the submitted report, the Department may amend the permit to require additional monitoring, increased frequency of monitoring, or other actions.
4. The permittee shall notify any downstream or downgradient users who may be directly affected by the discharge.
5. The permittee shall continue monitoring at the increased frequency until the contaminant(s) is below the AQL and AL for three consecutive months.

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

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 Spills of 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 ADEQ WQCS at (602) 771-2209 within 24 hours upon discovering the discharge of hazardous material which (a) has the potential to cause an AQL to be exceeded, 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 ADEQ Water Quality Compliance Section at (602) 771-2209 within 24 hours upon discovering the discharge of non-hazardous material which (a) has the potential to cause an AQL to be exceeded at the applicable point of compliance, or (b) 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 Section 2.6.5.2 and Section 2.6.5.3 to ADEQ Water Quality Compliance Section at (602) 771-2209 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. The permittee shall send a copy of the cover letter that summarizes the report to the GWS. 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 that notice. Upon review of the submitted report, ADEQ may require additional monitoring or corrective actions.

2.6.6 Corrective Actions

Specific contingency measures that are identified in Section 2.6 and actions identified in the approved contingency plan submitted in response to the Compliance Schedule, Section 3.0, Table 3.1 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 Section prior to implementing a corrective action to accomplish any of the following goals in response to exceeding an AL or violation of an AQL, DL, or other permit condition:

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

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 Forms**

1. The permittee shall complete the SMRFs provided by ADEQ, and submit them to the Water Quality Compliance Section, Data Unit (WQCS-DU).
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 quarter, the permittee shall enter "Not required" on the SMRF and submit the report to ADEQ. The permittee shall use the format devised by ADEQ.
3. The tables contained in Section 4.0 list the parameters to be monitored and the frequency for reporting results for groundwater compliance monitoring. Analytical methods shall be recorded on the SMRFs.
4. In addition to the SMRF, the information contained in A.A.C R18-9-A206(B)(1) shall be included for exceeding an AL or violation of an AQL, DL, or any other permit condition being reported in the current reporting period. The permittee shall send a copy of the cover letter that summarizes the SMRFs to WQCS-DU.

2.7.2 Inspections / 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 10 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 R18-9-A206(B)(2).

2.7.3 Permit Violation and Alert Level Status Reporting

The permittee shall notify the WQCS in writing within 5 days (except as provided in Section 2.6.5) of becoming aware of a violation of any permit condition, discharge limitation or of an Alert Level being exceeded.

The permittee shall submit a written report to the WQCS within 30 days of becoming aware of the violation of any permit condition or discharge limitation. The permittee shall send a copy of the cover letter that summarizes the report to the GWS. The report shall document all of the following:

1. Identification and description of the permit condition for which there has been a violation and a description of its cause.
2. 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.
3. Any corrective action taken or planned to mitigate the effects of the violation, or to eliminate or prevent a recurrence of the violation.
4. Any monitoring activity or other information which indicates that any pollutants would be reasonably expected to cause a violation of an Aquifer Water Quality Standard.
5. Proposed changes to the monitoring which include changes in constituents or increased frequency of monitoring.
6. Description of any malfunction or failure of pollution control devices or other equipment or processes.

2.7.4 Other or Miscellaneous Reporting

The permittee shall, upon completion of the annual sampling described in Section 4.2, Table 2B, submit a monitoring summary report to the ADEQ WQCS. This report shall be due at the same time as the SMRF form for the annual sampling event. The report shall be submitted no later than thirty (30) days following the end of the first quarter. The report shall include, but not be limited to the following:

1. A description of any deviations from standard sampling protocols during the reporting period.
2. A summary of all exceedances of ALs or AQLs that occurred during the reporting period.
3. Graphical time versus concentration plots of field pH, sulfate, total dissolved solids, and any parameter that exceeded an applicable AL or AQL.
4. An updated table of all monitor wells and piezometers in the Discharge Impact Area including, but not limited to, location of well, depth of well, and current depth to water.
5. A summary of any groundwater monitor wells replaced in the reporting period including, but not limited to, location of well, depth of well, depth to water, and screened interval.

2.7.5 Reporting Location

All SMRFs shall be submitted to:

Arizona Department of Environmental Quality
 Water Quality Compliance Section, Data Unit
 Mail Code: 5415B-1
 1110 West Washington Street
 Phoenix, AZ 85007
 Phone (602) 771-4513

All documents required by this permit to be submitted to the Water Quality Compliance Section shall be directed to:

Arizona Department of Environmental Quality
 Water Quality Compliance Section
 Mail Code: 5620G
 1110 West Washington Street
 Phoenix, AZ 85007
 Phone (602) 771-4614

All documents required by this permit to be submitted to the Groundwater Section shall be directed to:

Arizona Department of Environmental Quality
 Groundwater Section
 Mail Code: 5415B-3
 1110 West Washington Street
 Phoenix, AZ 85007
 Phone (602) 771-4663

2.7.6 Reporting Deadline

The following table lists the quarterly report due dates:

MONITORING CONDUCTED DURING QUARTER:	QUARTERLY REPORT DUE BY:
January-March	April 30
April-June	July 30
July-September	October 30
October-December	January 30

2.7.7 Changes to Facility Information in Section 1.1

The GWS and WQCS 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)]

Not applicable

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

2.9.1 Closure Plan

Following notification of closure, BHP Copper submitted for approval to ADEQ GWS, a detailed Closure Plan (BHP Copper San Manuel Plant Site - Closure Plan dated December 20, 2004) to

meet the requirements of A.R.S. § 49-252 and A.A.C. R18-9-A209(B)(3). The Closure Plan discussed the site cleanup activities, facility demolition, materials remaining on site after closure, and the removal and disposal of hazardous waste materials. The Closure Plan Demonstration did not achieve clean closure, as post-closure monitoring is required and further action is necessary to keep the tailings facilities in compliance with AWQS at the applicable POC.

2.9.2 Closure Completion

Section 3.0, Table 3.1 outlines the compliance reports that have been submitted to ADEQ, including a Plant Site Facility Closeout Report (April 30, 2008). This document provided a final report on the materials remaining at the Plant Site, the types of non-hazardous and hazardous materials removed, and the fate of those materials. Other previously submitted reports include a Soil Remediation Summary Report (May 30, 2008), a Plant Site Sampling, Analysis, and Monitoring Plan (July 10, 2008), and a Post-Closure Contingency Plan dated July 30, 2008. As-built reports documenting regrading earthwork, soil cover, channel construction, quality control, and inspection records as described in Section 3.0 Table 3.1 were submitted to ADEQ following the completion of closure of the Tailings Area and Plant Area facilities (April 30, 2008, and April 9, 2007, respectively).

Per Section 3.0 Table 3.1, the permittee shall submit a Closure Plan for the Solid Waste Landfill prior to closure construction activities and a closure certification document within 180 days of the completion of closure of the Solid Waste Landfill.

2.10 Post-closure [A.R.S. §§ 49-243(K)(6) and 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 shall be subject to review and approval by the Groundwater Section.

2.10.1 Post-closure Plan

A Post-Closure Monitoring and Contingency Plan was provided per the compliance schedule presented in Section 3.0, Table 3.1. The permittee previously submitted to ADEQ GWS for approval, a post-closure monitoring and maintenance plan which eliminates, to the greatest extent practicable, any further discharge from the facility and ensures that the aquifer meets AWQS at the applicable points of compliance. The plan described the following:

1. Duration of post-closure care;
2. Monitoring procedures to be implemented by the permittee, including monitoring frequency, type, and location;
3. Description of the operating and maintenance procedures to be implemented for aquifer quality protection devices, such as liners, treatment systems, pump-back systems, and monitoring wells;
4. Schedule and description of physical inspections to be conducted at the facility following closure;
5. Estimate of the cost of post-closure maintenance and monitoring; and
6. Description of limitations on future land or water uses, or both, at the facility site as a result of facility operations.

The permittee shall implement the Post-closure Plan upon approval by the Department.

2.10.2 Post-closure Completion

The permittee has notified ADEQ, GWS, in writing that all currently planned closure activities have been completed. The permittee will notify ADEQ, GWS, in writing when future closure of the Solid Waste Landfill has been completed. A copy of the cover letter shall also be submitted to the WQCS-DU.

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

For each compliance schedule item listed in Section 3.0, Table 3.1, the permittee shall submit the required information, including a cover letter that lists the compliance schedule item(s), to the GWS. A copy of the cover letter shall also be submitted to the WQCS.

The permittee shall submit an annual report to ADEQ GWS at 12 months, 24 months, etc. after the effective date of APP No. P-102370.

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Table 3.1 Compliance Schedule		
Item Description	Remarks	Time to Complete
Post-closure Monitoring and Contingency Plan	Follow the Plan as specified under 2.10.1	<p>Within 6 months after permit issuance</p> <p>Plant Site Sampling and Analysis, and Monitoring Plan – Submitted on July 10, 2008</p> <p>Post Closure Contingency Plan – Submitted July 30, 2008</p>
As-built Report for the Closure of the Tailings Area and Collection Ponds	<p>The permittee shall submit to ADEQ GWS, three copies of a work plan pertaining to the work described below. Following work plan approval, the permittee shall prepare the above referenced report, including capital and operating cost estimates, and submit three copies to ADEQ GWS.</p> <p>Document final earthworks, cover design, and new construction conducted to close these discharging facilities.</p> <p>As-built construction reports and maps shall be prepared with final topography following regrading of the tailings facilities (Tailings Impoundments #1/2, #3/4, #5, #6, and #10 and Collection Ponds #1, #6 and #10) the ancillary support facilities, and storm water diversion channels. Quality assurance inspection records and materials warranties shall be provided.</p> <p>The report shall document final earthworks, cover design, and new construction conducted to close these discharging and formerly discharging facilities and to document field changes to the designs originally submitted to ADEQ GWS in <i>Tailings Closure Design Report</i></p> <p>A brief summary of the tailings area, material characterization, BADCT options, and closure design shall be included referencing previous submittals to ADEQ.</p> <p>Permittee shall certify and document implementation of approved BADCT closure design for the tailings impoundments.</p>	<p>Within 12 months after permit issuance</p> <p>Submitted on April 30, 2008</p>

Table 3.1 Compliance Schedule		
Item Description	Remarks	Time to Complete
As-Built Report for the Closure of the Plant Area	<p>The permittee shall submit to ADEQ GWS, three copies of a work plan pertaining to the work described below.</p> <p>Following work plan approval, the permittee shall prepare the above referenced report, including capital and operating cost estimates, and submit three copies to ADEQ GWS.</p> <p>As-built construction reports and maps shall be prepared with final topography on the Plant Area. Quality control inspection records and materials warranties shall be provided.</p> <p>The report shall document final earthworks, regrading, cover, and new construction conducted to close the Plant Area and document field changes to designs originally submitted to ADEQ GWS in <i>Design Report for Regrading and Cover of the Plant Area</i>.</p> <p>A brief summary of the plant area, material characterization, BADCT options, and closure design shall be included referencing previous submittals to ADEQ.</p> <p>Permittee shall certify and document implementation of approved closure design for the Plant Area.</p>	<p>Within 12 months after permit issuance</p> <p>Submitted on April 9, 2007</p>
Plant Site Facility Closeout Report	<p>The permittee shall prepare the report, including capital and operating cost estimates, and submit three copies to ADEQ, GWS. An “as-built” summary shall be submitted within three months following work completion. The summary shall include the compilation of the type and quantity of materials removed from the Plant Site and stored on site, photographs and daily reports of demolition activities, shipping manifests, asbestos hazard assessments, and analytical results of soil sampling and remediation.</p> <p>Permittee shall document facility demolition and handling of hazardous materials.</p> <p>Permittee shall address fate of materials removed from the Plant and stored on site.</p>	<p>Within 24 months after permit issuance</p> <p>Submitted on April 30, 2008</p>
Soil Remediation Summary Report	<p>The permittee shall provide a description of remediation activities completed during closure and the analytical results of any soil sampling and remediation not previously reported to cover the entire Plant Site including soils associated with the former Concentrate Storage Transfer Facility.</p>	<p>Within 12 months after permit issuance.</p> <p>Submitted on May 30, 2008</p>

Table 3.1 Compliance Schedule		
Item Description	Remarks	Time to Complete
Solid Waste Landfill Closure	<p>Closure</p> <p>Permittee shall notify the Department of the permittee's intent to close the facility, A.A.C. R18-9-A209(B)(2);</p> <p>The permittee shall submit an APP amendment request, with applicable fee, and closure plan for the Director's approval within 90 days following the notification of the intent to close the facility.</p> <p>The Landfill Closure Plan shall include the following elements:</p> <p style="padding-left: 40px;">The permittee is required to install final cover over the entire waste boundary (waste footprint); The proposed final cover shall consist of the following design elements (from top to bottom): 12-inch thick vegetative soil cover 1×10^{-3} cm/sec. (erosion control layer); 18-inch thick infiltration barrier layer (maximum permeability of 1×10^{-5} cm/sec); Average of 12-inch thick foundation layer (maximum permeability of 1×10^{-3} cm/sec), if no intermediate cover presented; If intermediate cover is presented layer that required to provide firm and stable foundation layer over existing daily cover;</p> <p>Any alternative cover system, other than the above, must be authorized by the Department prior to use.</p> <p>The Landfill Closure Plan shall include the following elements:</p> <p>Run-on control system designed to prevent the flow of surface water onto the closed landfill facility during the period of greatest precipitation in a 25-year storm;</p> <p>Runoff control system designed to control and mitigates cover erosion, reduce surface discharge of wastes in solution or suspension, and minimize run-on available to percolate down through waste that creates leachate.</p> <p>The methods to be used to secure the facility;</p> <p>An estimate of the cost of closure;</p> <p>A schedule for implementation of the closure plan and the submission of a post-closure plan, if necessary;</p> <p>The construction quality assurance/construction quality control plan;</p> <p>Closure activities must be completed within 180 days following the beginning of closure.</p>	

Table 3.1 Compliance Schedule		
Item Description	Remarks	Time to Complete
	<p>Following the closure construction, the owners/operators shall notify the ADEQ through a certification document, signed and sealed by a registered professional engineer, that the closure has been completed in accordance with the approved closure plan.</p> <p>Upon approval of the landfill closure, the APP will be amended to reflect closure.</p> <p>Post-closure Care:</p> <p>A permittee shall describe post-closure monitoring and maintenance activities in a plan and submit it to the Department for approval (A.A.C. R18-9-A209(C));</p> <p>The plan shall include:</p> <ul style="list-style-type: none"> Duration of post-closure period; The monitoring procedure to be implemented by the permittee, including monitoring frequency, type, and location(s); A description of operating and maintenance procedures to be implemented for maintaining aquifer quality protection devices, such as final cover, monitoring wells, etc.; A schedule and description of physical inspections to be conducted at the facility following closure; An estimate of the cost of post-closure maintenance and monitoring; A description of monitoring, maintenance procedures to be implemented for maintaining security fencing, storm water management structures. 	

4.0 TABLES AND FIGURES

4.1 PRE-OPERATIONAL MONITORING (or CONSTRUCTION REQUIREMENTS)

TABLE 1A Discharging Facilities and BADCT

4.2 COMPLIANCE (or OPERATIONAL) MONITORING

TABLE 2A Inspections and Operational Monitoring

TABLE 2B Annual Compliance Groundwater Monitoring Requirements for POC Wells

4.3 CONTINGENCY MONITORING

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CONSTRUCTION REQUIREMENTS

Table 1A Discharging Facilities and BADCT				
ADEQ Facility No.	BHP Facility No.	Facility Name	Latitude / Longitude	Individual BADCT
Tailing Impoundments				
1	D-79	Tailings Impoundment #1/2	32°37'42" N 110°36'03" W	<p>Permittee constructed diversion structures to intercept surface water run-on upgradient of the tailings facilities, as well as the uncompacted storm water runoff from the covered tailings impoundment beaches. The diversion channels include existing structures, upgraded existing structures, and new diversion facilities to route storm water around the tailings facilities.</p> <p>Diversion structures were designed for peak flow from a 100-year, 24-hour storm event. Design of emergency spillways was based on 6-hour and 72-hour Probable Maximum Precipitation (PMP) events to prevent overtopping of the tailings embankments in extreme events.</p> <p>Design did not include impounding of storm water run-on as a control technology; however, the 6-hour and 72-hour PMP events were used to develop the emergency spillway design to ensure against overtopping of the embankment (<i>Tailings Closure Design Report</i>, Sections 4.2.7 and 5.2.3).</p> <p>Permittee recontoured the upper surface of the tailings basins and face of the embankments, including drainage channels and spillways to reduce ponding of direct precipitation.</p> <p>A minimum 12-inch soil cover was placed over the tailings basin and vegetated to minimize infiltration from precipitation, to eliminate precipitation contact with tailings material and to prevent erosion.</p> <p>A minimum 24-inch cover of coarse alluvium was placed over the upper third of the tailings embankments and vegetated to eliminate precipitation contact with tailings material and to prevent erosion.</p> <p>An engineered cover consisting of a minimum of 12 inches of fine alluvium and a minimum of 12 inches of rock armor was placed on the bottom two-thirds of embankment slope surfaces to prevent erosion.</p> <p>Permittee placed inert rock armor on embankment slopes as a long-term Best Management Practice (BMP). During construction, and until BHP can exit their Storm water Pollution Prevention Plan, the existing certified sediment control facilities were left in place and upgraded where required to provide for BMP storm water containment.</p> <p>Permittee revegetated all soil-covered slopes on tailings to provide transpiration and erosion control.</p> <p>Present static Factor of Safety (FOS) = 1.94 - 2.38 Present pseudostatic FOS = 1.37 - 1.70</p>
2	D-80	Tailings Impoundment #3/4	32°36'52" N 110°35'17" W	
3	D-81	Tailings impoundment #5	32°36'22" N 110°03'30" W	
4	D-82	Tailings Impoundment #6	32°36'32" N 110°33'31" W	
5	D-83	Tailings Impoundment #10	32°38'41" N 110°36'03" W	

Table 1A Discharging Facilities and BADCT				
ADEQ Facility No.	BHP Facility No.	Facility Name	Latitude / Longitude	Individual BADCT
Tailings Decant Collection Ponds				
6	C-104	Collection Pond #1	32°38'12"N 110°35'50" W	Results from sampling for characterization of the dried material in the bottom of facility 6 for potential pollutants indicated levels to be below both the Groundwater Protection Levels (GPL) and Soil Remediation Levels (SRL). Closure BADCT for facility 6 shall be demonstrated by cementing the decant pipes and by covering facility 6 by pushing berm material into the collection pond and shall have additional cover according to the tailings slope BADCT design, including placement of surface armoring, to minimize infiltration of storm water. Cover design shall slope away from the toe of the tailings. A quarterly monitoring program at respective POC wells will verify effectiveness of BADCT for this facility.
7	C-105	Collection Pond #6	32°36'40"N 110°33'05" W	Results from sampling for characterization of the dried material in the bottom of facility 7 for potential pollutants indicated levels to be below both the Groundwater Protection Levels (GPL) and Soil Remediation Levels (SRL). Closure BADCT for facility 7 shall be demonstrated by cementing the decant pipe and by covering facility 7 by pushing berm material into the collection pond and shall have additional cover according to the tailings slope BADCT design, including placement of surface armoring, to minimize infiltration of storm water. Cover design shall slope away from the toe of the tailings. A quarterly monitoring program at respective POC wells will verify effectiveness of BADCT for this facility.
8	C-106	Collection Pond #10	32°38'50"N 110°36'07" W	Results from sampling for characterization of the dried material in the bottom of facility 8 for potential pollutants indicated levels to be below both the Groundwater Protection Levels (GPL) and Soil Remediation Levels (SRL). Closure BADCT for facility 8 shall be demonstrated by cementing the decant pipe and by covering facility 8 by pushing berm material into the collection pond and shall have additional cover according to the tailings slope BADCT design, including placement of surface armoring, to minimize infiltration of storm water. Cover design shall slope away from the toe of the tailings. A quarterly monitoring program at respective POC wells will verify effectiveness of BADCT for this facility.
Landfill				
9	E-#48	Solid Waste Landfill	32°36'25"N 110°36'25" W	<p>Waste material in this facility consists chiefly of rubber, glass, paper, wood and metal scrap from the Plant Site. The solid waste is periodically (weekly during operations) covered by indigenous soils utilizing bulldozers. Volumes of waste received at the landfill during operations ranged from 300 to 600 tons per three month period.</p> <p>Final cover design will be presented to and approved by ADEQ at the time of landfill closure.</p>

Table 1A Discharging Facilities and BADCT				
ADEQ Facility No.	BHP Facility No.	Facility Name	Latitude / Longitude	Individual BADCT
10	E-50	Wood Landfill	32°36'44"N 110°36'04" W	Waste material in this facility consists of inert wood and minor, associated concrete from the Plant Site. The volume of waste received during operation of the facility averaged 3 to 6 tons per week. The facility was regraded at a maximum 3H:1V slope, covered by a minimum of 30 inches of indigenous soils that retard infiltration, and revegetated. A diversion ditch collects stormwater run-off and diverts it away from the facility.

Notes: Locations are given as the center of the existing facilities

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COMPLIANCE AND OPERATIONAL MONITORING

Table 2A Inspections and Operational Monitoring		
FACILITY	INSPECTIONS AND REPORTING	PERFORMANCE LEVEL
Tailings Impoundment #1/2 (D-79)	Inspect storm water drainage network, slope stability and soil cover quarterly and after a significant storm event.	Maintain drainage network free of obstructions. Maintain soil cover per requirements of <i>Tailings Closure Design Report</i> .
Tailings Impoundment #3/4 (D-80)	Inspect storm water drainage network, slope stability and soil cover quarterly and after a significant storm event.	Maintain drainage network free of obstructions. Maintain soil cover per requirements of <i>Tailings Closure Design Report</i> .
Tailings Impoundment #5 (D-81)	Inspect storm water drainage network, slope stability and soil cover quarterly and after a significant storm event.	Maintain drainage network free of obstructions. Maintain soil cover per requirements of <i>Tailings Closure Design Report</i> .
Tailings Impoundment #6 (D-82)	Inspect storm water drainage network, slope stability and soil cover quarterly and after a significant storm event.	Maintain drainage network free of obstructions. Maintain soil cover per requirements of <i>Tailings Closure Design Report</i> .
Tailings Impoundment #10 (D-83)	Inspect storm water drainage network, slope stability and soil cover quarterly and after a significant storm event.	Maintain drainage network free of obstructions. Maintain soil cover per requirements of <i>Tailings Closure Design Report</i> .
Engineered Soil Cover in Plant Area	Inspect soil cover and maintain erosion control structures quarterly and after significant storm event.	Maintain drainage network free of obstructions. Maintain soil cover per requirements of <i>Engineering Control Plan</i> .
Solid Waste Landfill (E-#48)	Inspect stormwater drainage network, slope stability, and soil cover quarterly and after a significant storm event.	Maintain drainage network free of obstructions. Maintain soil cover
Wood Landfill (E-50)	Inspect stormwater drainage network, slope stability, and soil cover quarterly and after a significant storm event.	Maintain drainage network free of obstructions. Maintain soil cover per requirements of Engineering Control Plan

Table 2B Annual Compliance Groundwater Monitoring Requirements for POC Wells										
Parameter	SMW-17		SMW-18		SMW-19		SMW-20		SMW-22	
	AQL	AL	AQL	AL	AQL	AL	AQL	AL	AQL	AL
Depth to Water (in feet)	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Water Level Elevation (amsl)	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Temperature (°F)	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Specific Conductance (µmhos/cm)	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
pH (S.U.) – field	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Total Dissolved Solids	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Sulfate	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Total Alkalinity	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Chloride	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Fluoride	4	3.2	4	3.2	4	3.2	7.7	None	4	3.2
Nitrate+Nitrite	10	8	10	8	10	8	10	8	10	8
Calcium	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Magnesium	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Potassium	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Sodium	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Iron	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Aluminum	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Antimony	0.006	0.0048	0.006	0.0048	0.006	0.0048	0.006	0.0048	0.006	0.0048
Arsenic	0.05	0.04	0.05	0.04	0.05	0.04	0.05	0.049	0.05	0.04
Barium	2	1.6	2	1.6	2	1.6	2	1.6	2	1.6
Beryllium	0.004	0.0032	0.004	0.0032	0.004	0.0032	0.004	0.0032	0.004	0.0032
Cadmium	0.005	0.004	0.005	0.004	0.005	0.004	0.005	0.004	0.005	0.004
Chromium	0.1	0.08	0.1	0.08	0.1	0.08	0.1	0.08	0.1	0.08
Cobalt	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Copper	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Lead	0.05	0.04	0.05	0.04	0.05	0.04	0.05	0.04	0.05	0.04
Manganese	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Mercury	0.002	0.0016	0.002	0.0016	0.002	0.0016	0.002	0.0016	0.002	0.0016
Nickel	0.1	0.08	0.1	0.08	0.1	0.08	0.1	0.08	0.1	0.08
Selenium	0.05	0.04	0.05	0.04	0.05	0.04	0.05	0.04	0.05	0.046
Thallium	0.002	0.0016	0.002	0.0016	0.002	0.0016	0.002	0.0016	0.002	0.0016
Zinc	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Total Petroleum Hydrocarbons	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor
Adjusted Gross Alpha Activity (pCi/L)	15	12	15	12	15	12	15	12	15	12

Table 2B Annual Compliance Groundwater Monitoring Requirements for POC Wells										
Parameter	SMW-17		SMW-18		SMW-19		SMW-20		SMW-22	
	AQL	AL	AQL	AL	AQL	AL	AQL	AL	AQL	AL
Radium 226+Radium 228 (pCi/L)	5	4	5	4	5	4	5	4	5	4
Uranium (mg/L)	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor	Monitor

Notes:

Metals shall be analyzed as dissolved metals.

All concentrations are in milligrams per liter (mg/L) unless otherwise specified.

If the gross alpha particle activity is greater than 15 pCi/L, then test for adjusted gross alpha particle activity. The adjusted gross alpha particle activity is the gross alpha particle activity including radium 226, minus radon and total uranium (the sum of the uranium 238, uranium 235 and uranium 234 isotopes) reported in pCi/L.

AQL = Aquifer Quality Limit

AL = Alert Level

Monitor = Monitoring required, but no AQL or AL established in the permit

Carbon disulfide and free cyanide were eliminated from annual compliance monitoring requirements, based on results of ambient groundwater sampling. Future replacement wells, where appropriate, will be analyzed for these parameters.

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 ADEQ:

1. APP Application dated July 8, 2008.
2. Public Notice, dated March __, 2009.
4. Responsiveness Summary, dated _____

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6.0 NOTIFICATION PROVISIONS

6.1 Annual Registration Fees

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

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

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 at the applicable point of compliance for the facility. Where, at the time of issuance of the permit, an aquifer already exceeds an aquifer water quality standard 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(D), 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.
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 specified by this permit.

6.10 Permit Action: Amendment, Transfer, Suspension & 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, renewed, or revoked for cause, under the rules of the Department.

The permittee shall notify the Groundwater Section 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.

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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).

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