ADEQ Arizona Department of Environmental Quality

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ADEQ Inventory No.	101703	Permit No.	AZ0020389
LTF No.	90471	Place ID No.	7820

AUTHORIZATION TO DISCHARGE UNDER THE ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Article 3.1; the Federal Water Pollution Control Act, (33 U.S.C. §1251 et seq., as amended), and Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Articles 9 and 10, and amendments thereto,

Resolution Copper Mining, LLC
Resolution Copper Mining, LLC – Superior Mine
P. O. Box 1944
Superior, Arizona 85173

is authorized to discharge mine site stormwater runoff from Outfall 001 and treat mine water, industrial water and seepage pumping from outfall 002 from the Superior Operations in Pinal County, Arizona to an unnamed wash, tributary to Queen Creek in the Middle Gila River Basin at:

Outfall No.	Latitude	Longitude	Legal
Outfall 001	33˚ 17' 02" N	111˚ 07' 06" W	Township 2 S, Range 12 E, Section 4
Outfall 002	33˚ 17' 02" N	111˚ 07' 06" W	Township 2 S, Range 12 E, Section 4

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein, and in the Appendix D "Standard AZPDES Permit Conditions."

Annual Registration Fee [A.R.S. 49-255.01 and A.A.C. R18-14-104]

The annual registration fee for this permit is payable to ADEQ each year. For the purposes of the annual fees, this permit is a Major permit. If the facility is not yet constructed or is incapable of discharge at this time, the permittee may be eligible for reduced fees under rule. Send all correspondence requesting reduced fees to the Water Quality Division of ADEQ. Please reference the permit number, LTF number and why reduced fees are requested under rule.

This permit shall become effective on _____, 2022.

This permit and the authorization to discharge shall expire on _____, 2027.

Signed _____, 2027.

_____
Randy Matas, Deputy Director
Water Quality Division
Arizona Department of Environmental Quality

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PART I – EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Discharge Limitations and Monitoring Requirements

1. The Permittee shall limit and monitoring discharges from Outfall 001 as specified in Table 1.a, which follows. Discharges resulting from less than a 10-year, 24-hour storm event are prohibited.

Table 1.a - Discharge Limitations and Monitoring Requirements for Outfall 001

Parameter	Maximum Allowable Discharge Limitations (1)		Monitoring Requirement (2)	
	Concentration Limits (µg/L)			
	Monthly Average	Daily Maximum	Monitoring Frequency (3)	Sample Type
Discharge Flow (MGD) (4)	Report	Report	Continuous	Metered
Arsenic	123 µg/L	246 µg/L	1 x / day	Discrete
Cadmium (5)	2.1 µg/L	4.2 µg/L	1 x / day	Discrete
Copper (5)	7.95 µg/L	16 µg/L	1 x / day	Discrete
Lead (5)	2.51 µg/L	5.04 µg/L	1 x / day	Discrete
Mercury	0.01 µg/L	0.02 µg/L	1 x / day	Discrete
Nickel (5)	49.7 µg/L	99.7 µg/L	1 x / day	Discrete
Hardness ($CaCO_3$) - Discharge	Report (mg/L)	Report (mg/L)	1 x / day	Discrete
Hardness ($CaCO_3$) – Receving Water	Report (mg/L)	Report (mg/L)	1 x / day	Discrete
pH (6)	Not less than 6.5 standard units (S.U.) nor greater than 9.0 S.U.		1 x / day	Discrete

Footnotes:

1 All Metals limits are for total recoverable metals.
2 Testing must coincide with the Whole Effluent Toxicity Test (WET) samples, if any, taken during that monitoring period per Part I.C, Table 3.a of the permit. See Part III of the permit.
3 Monitoring frequency is set at 1 x /day per stormwater discharge event.
4 Monitoring and reporting required. No limit set at this time. In addition to the average and maximum flows reported on the Discharge Monitoring forms, daily discharge flow shall be recorded on the Discharge Flow Record provided in Appendix B. See Part II.B for reporting requirements.
5 Limits listed are based on the protected default receving water hardness value of 120 mg/L as CaCO3. The receving water shall be tested for hardness at the same time that these metal samples are taken. If no receiving water is present at the time of sampling, the discharge shall be tested for hardness instead. Please see the hardness definition in Appendix A, Part B. Note: When reporting the hardness on the Discharge Monitoring Report, enter "Code 9" (Conditinal Monitoring) for either the discharge or receiving water hardness that was not tested.
6 pH shall be measured at the time of sampling and does not require use of a certified laboratory. Measurements shall be obtained in accordance with the applicable method and shall meet all method quality assurance / quality control requirements to be considered valid data.

The permittee shall limit and monitor treated mine water, industrial water and seepage pumping from Outfall 002 as specified in Table 1.b which follows.

Table 1.b - Discharge Limitations and Monitoring Requirements for Outfall 002

Parameter	Maximum Allowable Discharge Limitations (1)		Monitoring Requirement (2)	
	Concentration Limits (µg/L)			
	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type
Discharge Flow (MGD) (3)	Report	Report	Continuous	Metered
Cadmium (4)	2.1 µg/L	4.21 µg/L	1 x / month	24-hr Composite (5)
Copper (4)	7.95 µg/L	16 µg/L	1 x / month	24-hr Composite
Lead (4)	2.51 µg/L	5.04 µg/L	1 x / month	24-hr Composite
Mercury	0.01 µg/L	0.02 µg/L	1 x / month	Discrete
Selenium	2 µg/L	3 µg/L	1 x / month	24-hr Composite
Zinc (4) (6)	750 µg/L	1,500 µg/L	1 x / month	24-hr Composite
Hardness ($CaCO_3$) - Discharge	Report (mg/L)	Report (mg/L)	1 x / month	24-hr Composite
Hardness ($CaCO_3$) – Receving Water	Report (mg/L)	Report (mg/L)	1 x / month	24-hr Composite
Total Suspended Solids (TSS)	20 mg/L	30 mg/L	1 x / month	24-hr Composite
Temperature – Discharge (7)	Report (°c)	Report (°c)	1 x / month	Discrete
pH (7)	Not less than 6.5 standard units (S.U.) nor greater than 9.0 S.U.		1 x / day	Discrete

Footnotes:

1 All Metals limits are for total recoverable metals.
2 Testing must coincide with the Whole Effluent Toxicity Test (WET) samples, if any, taken during that monitoring period per Part I.C, Table 3.b of the permit. See Part III of the permit.
3 Monitoring and reporting required. No limit set at this time. In addition to the average and maximum flows reported on the Discharge Monitoring forms, daily discharge flow shall be recorded on the Discharge Flow Record provided in Appendix B. See Part II.B for reporting requirements.
4 Limits listed are based on the protected default receving water hardness value of 120 mg/L as CaCO3. The receving water shall be tested for hardness at the same time that these metal samples are taken. If no receiving water is present at the time of sampling, the discharge shall be tested for hardness instead. Please see the hardness definition in Appendix A, Part B. Note: When reporting the hardness on the Discharge Monitoring Report, enter "Code 9" (Conditional Monitoring) for either the discharge or receiving water hardness that was not tested.
5 For the purposes of this permit, a "24-hour composite" sample has been defined as a flow-propotioned mixture of not less than three discrete samples (aliquots) obtained at equal time intervals during a 24-hour period. The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling.
6 Technology based discharge limits applied as listed in 40 CFR 440.103 (a).
7 pH and temperature shall be measured at the time of sampling and does not require use of a certified laboratory. Measurements shall be obtained in accordance with the applicable method and shall meet all method quality assurance / quality control requirements to be considered valid data.

B. Trace Substance Monitoring

1. The permittee shall monitor discharges from Outfalls 001 and 002 as specified in Table 2.a and 2.b, respectively. Monitoring results above the Assessment Levels (ALs) listed below do not constitute a permit violation, but may trigger evaluation of Reasonable Potential (RP) by ADEQ. The permittee shall use an approved analytical method with a Limit of Quantitation (LOQ) lower than the AL values as described in Part II.A.4.

Table 2.a – Assessment Level Monitoring for Outfall 001

Parameter	Assessment Levels (1) (2) Concentration (µg/L)		Monitoring Requirements (3) (4)	
	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type
Antimony	24.6 µg/L	49.3 µg/L	1 x / day	Discrete
Beryllium	4.34 µg/L	8.71 µg/L	1 x / day	Discrete
Chromium, total (5)	Report [µg/L] (5)	Report [µg/L] (5)	1 x / day	Discrete
Chromium VI (5)	7.98 µg/L	16 µg/L	1 x / day	Discrete
Cyanide (as free cyanide)	7.94µg/L	15.9 µg/L	1 x / day	Discrete
Hardness ($CaCO_3$) - effluent (6)	Report [mg/L]	Report [mg/L]	1 x / day	Discrete
Hardness ($CaCO_3$) - receiving water (6)	Report [mg/L]	Report [mg/L]	1 x / day	Discrete
Hydrogen sulfide (7)	2 µg/L	3 µg/L	1 x / day	Discrete
Selenium	2 µg/L	3 µg/L	1 x / day	Discrete
Silver (6)	2.2 µg/L	4.4 µg/L	1 x / day	Discrete
Sulfides (7)	Report [µg/L] (7)	Report [µg/L] (7)	1 x / day	Discrete
Thallium	7.2 µg/L	11 µg/L	1 x / day	Discrete
Zinc (6)	68.2 µg/L	137 µg/L	1 x / day	Discrete

Footnotes

1 Concentration values are calculated based on Arizona Water Quality Standards. Monitoring and reporting required.
2 All metals effluent Assessment Levels are for total recoverable metals, except for chromium VI, for which the assessment levels listed are dissolved.
3 At a minimum, one sample shall coincide with one of the WET sample taken each discharge. See Part III of the permit.
4 If discharge is infrequent see Part I.D for minimum discharge characterization monitoring requirements.
5 If total chromium exceeds 8 µg/L, the permittee must conduct sampling for chromium VI for the remainder of the permit. Otherwise, monitoring for chromium VI is not required. All metals assessment Levels are for total recoverable metals, except for Chromium VI, for which the assessment levels listed are dissolved
6 Assesment Leve listed are based on a protective default receiving water hardness value of 120 mg/L. The receiving water must be tested for hardness at the same time that this metal sample is taken. If no receiving water is present at the time of sampling, the dischage must be tested for hardness instead. Please see the hardness definition in Appendix A, Part B. Note: When reporting the hardness on the Discharge Monitoring report, enter Code "9" (Conditional Monitoring) for either the discharge or receiving water hardness that was not tested. .
7 With a detection limit no higher than 100 µg/L, any detection of sulfides shall trigger the required monitoring for hydrogen sulfide for the remainder of the permit term. Monitoring for hydrogen sulfide is only required if sulfide is detected.

Table 3.b – Assessment Level Monitoring for Outfall 002

Parameter	Assessment Levels (1) (2) Concentration (µg/L)		Monitoring Requirements (3) (4)	
	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type
Cyanide (as free cyanide)	7.94µg/L	15.9 µg/L	1 x / month	24-hr Com[osite
Hardness ($CaCO_3$) - effluent (5)	Report [mg/L]	Report [mg/L]	1 x / month	24-hr Com[osite
Hardness ($CaCO_3$) - receiving water (5)	Report [mg/L]	Report [mg/L]	1 x / month	24-hr Com[osite
Hydrogen sulfide (6)	2 µg/L	3 µg/L	1 x / month	24-hr Com[osite
Silver (5)	2.2 µg/L	4.4 µg/L	1 x / month	24-hr Com[osite
Sulfides (6)	Report [µg/L] (6)	Report [µg/L] (6)	1 x / month	24-hr Com[osite
Total Dissolved Solids (TDS)	Report [mg/L]	Report [mg/L]	1 x / month	24-hr Com[osite

Footnotes

1 Concentration values are calculated based on Arizona Water Quality Standards. Monitoring and reporting required.
2 All metals effluent Assessment Levels are for total recoverable metals, except for chromium VI, for which the assessment levels listed are dissolved.
3 At a minimum, one sample shall coincide with one of the WET sample taken each discharge. See Part III of the permit.
4 If discharge is infrequent see Part I.D for minimum discharge characterization monitoring requirements.
5 Assesment Leve listed are based on a protective default receiving water hardness value of 120 mg/L. The receiving water must be tested for hardness at the same time that this metal sample is taken. If no receiving water is present at the time of sampling, the dischage must be tested for hardness instead. Please see the hardness definition in Appendix A, Part B. Note: When reporting the hardness on the Discharge Monitoring report, enter Code "9" (Conditional Monitoring) for either the discharge or receiving water hardness that was not tested.
6 With a detection limit no higher than 100 µg/L, any detection of sulfides shall trigger the required monitoring for hydrogen sulfide for the remainder of the permit term. Monitoring for hydrogen sulfide is only required if sulfide is detected.

C. Whole Effluent Toxicity Monitoring

1. The permittee shall monitor discharges from Outfall 001 and 002, respectively for Whole Effluent Toxicity (WET) as specified in Table 3.a and 3.b which follows. If toxicity is detected above an Action Level specified as follows, the permittee must perform follow-up testing and, as applicable, follow the TIE/TRE processes in Part III.E of the permit.

Table 4.a – WET Testing for Outfall 001

Discharge Characteristic (1)	Action Levels		Monitoring Requirements	
	Daily Maximum (2) (3)	Monthly Median (3)	Monitoring Frequency (5)	Sample Type
Acute Toxicity (4) *Pimephales promelas* (Fathead minnow)	N/A	Fail	1 x / discharge	Discrete
Acute Toxicity (4) *Ceriodaphnia dubia* (Water flea)	N/A	Fail	1 x / discharge	Discrete
Chronic Toxicity *Pseudokirchneriella subcapitata* (Green algae) (6)	1.6 TUc	1.0 TUc	1 x / discharge	24-hr Composite (7)
Chronic Toxicity *Pimephales promelas* (Fathead minnow)	1.6 TUc	1.0 TUc	1 x / discharge	24-hr Composite

Discharge Characteristic (1)	Action Levels		Monitoring Requirements	
	Daily Maximum (2) (3)	Monthly Median (3)	Monitoring Frequency (5)	Sample Type
Chronic Toxicity *Ceriodaphnia dubia* (Water flea)	1.6 TUc	1.0 TUc	1 x / discharge	24-hr Composite

Footnotes

1 See Part III for additional requirements for testing and reporting Whole Effluent Toxicity (WET).
2 Since completion of one chronic WET test takes more than 24 hours, the daily maximum is considered to be the highest allowable test result.
3 If chronic toxicity is detected above the Action Levels in this table or an acute test fails, the permittee must perform follow-up testing. See Part III.E for details.
4 The requirement for an acute test applies when duration of discharge doesn't allow for chronic tests to be conducted. See Part III.
5 Testing must commence as soon as reasonably practicable following a discharge.
6 Formerly known as *Selenastrum capricornutum or Raphidocelis subcapitata.*
7 For this permit, "24-hr composite" means a flow-proportioned mixture of not less than three discrete samples (aliquots) obtained at equal time intervals. The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling.

Table 5.b – WET Testing for Outfall 002

Effluent Characteristic (1)	Action Levels		Monitoring Requirements	
	Daily Maximum (2) (3)	Monthly Median (3)	Monitoring Frequency (5)	Sample Type
Acute Toxicity (4) *Pimephales promelas* (Fathead minnow)	N/A	Fail	1 x / quarter	Discrete
Acute Toxicity (4) *Ceriodaphnia dubia* (Water flea)	N/A	Fail	1 x / quarter	Discrete
Chronic Toxicity *Pseudokirchneriella subcapitata* (Green algae) (6)	1.6 TUc	1.0 TUc	1 x / quarter	24-hr Composite
Chronic Toxicity *Pimephales promelas* (Fathead minnow)	1.6 TUc	1.0 TUc	1 x / quarter	24-hr Composite
Chronic Toxicity *Ceriodaphnia dubia* (Water flea)	1.6 TUc	1.0 TUc	1 x / quarter	24-hr Composite

Footnotes

1 See Part III for additional requirements for testing and reporting Whole Effluent Toxicity (WET).
2 Since completion of one chronic WET test takes more than 24 hours, the daily maximum is considered to be the highest allowable test result.
3 If chronic toxicity is detected above the Action Levels in this table or an acute test fails, the permittee must perform follow-up testing. See Part III.E for details.
4 The requirement for an acute test applies when duration of discharge doesn't allow for chronic tests to be conducted. See Part III.
5 Additional WET monitoring is required if the TDS of the discharge is greater than 2140 mg/L. Seee Part IV.B
6 Formerly known as *Selenastrum capricornutum or Raphidocelis subcapitata.*

D. Discharge Characterization Testing

1. The permittee shall monitor to characterize the facility's discharge from Outfalls 001 and 002 as specified in Tables 4.a and 4.b. respectively whether discharging or not. Sampling for outfall 001 shall be collected from water impounded at CP -105 (if water is available) during qualifying sorm events. A qualifying storm event is

rainfall in the amount of one inche storm in the first 24-hours. Sampling for Outfall 002 shall be done downstream from the last treatment process of Mine Water Treatment Plant (MWTP). When the facility discharges, monitoring is to be conducted at the frequency indicated in Tables 1 through 3. No limits or ALs are established, but the LOQ must be low enough to allow comparison of the results to the applicable water quality standards (WQS). If a LOQ below the WQS cannot be achieved, then the permittee shall use the method expected to achieve the lowest LOQ, as defined in Appendix A of this permit. Samples are to be representative of any seasonal variation in the discharge:

Table 4.a – Discharge Characterization Testing for Outfall 001– General Chemistry, Selected Metals, Trace Substances and WET

Parameter (1)	Reporting Units	Monitoring Requirements	
		Monitoring Frequency (2)	Sample Type
Antimony	µg/L	During precipitation event of the permit term	Discrete
Arsenic	µg/L	During precipitation event of the permit term	Discrete
Beryllium	µg/L	During precipitation event of the permit term	Discrete
Boron	µg/L	During precipitation event of the permit term	Discrete
Cadmium	µg/L	During precipitation event of the permit term	Discrete
Chromium (3)	µg/L	During precipitation event of the permit term	Discrete
Chromium VI (3)	µg/L	During precipitation event of the permit term	Discrete
Copper	µg/L	During precipitation event of the permit term	Discrete
Fluoride	µg/L	During precipitation event of the permit term	Discrete
Hydrogen Sulfide (4)	µg/L	During precipitation event of the permit term	Discrete
Iron	µg/L	During precipitation event of the permit term	Discrete
Lead	µg/L	During precipitation event of the permit term	Discrete
Mercury	µg/L	During precipitation event of the permit term	Discrete
Nickel	µg/L	During precipitation event of the permit term	Discrete
Selenium	µg/L	During precipitation event of the permit term	Discrete
Silver	µg/L	During precipitation event of the permit term	Discrete
Sulfides (4)	µg/L	During precipitation event of the permit term	Discrete
Thallium	µg/L	During precipitation event of the permit term	Discrete
Zinc	µg/L	During precipitation event of the permit term	Discrete
Hardness	mg/L	During precipitation event of the permit term	Discrete
Cyanide (as free cyanide)	µg/L	During precipitation event of the permit term	Discrete
Temperature (5)	°Celsius	During precipitation event of the permit term	Discrete
Total Dissolved Solids (TDS)	mg/L	During precipitation event of the permit term	Discrete
Total Suspended Solids (TSS)	mg/L	During precipitation event of the permit term	Discrete
Whole Effluent Toxicity - Acute (all 3 species) (6)	TUc	Annually during precipitation event of the permit term	Discrete

Footnotes

1 All metals analyses shall be for total recoverable metals, except chromium VI, which is dissolved
2 If more frequent monitoring of any of these parameters is required by another part of this permit, those sampling results may be used to satisfy Table 4.a requirements. Monitoring is to be contucted during precipitation event of the permit term, in conjunction with compliance sampling in Tables 1.a, 2.a, and 3.a.
3 If total chromium exceeds 8 µg/L, the permittee must conduct sampling for chromium VI for the remainder of the permit. Otherwise, monitoring for chromium VI is not required. conjunction
4 The permittee may initially monitor for sulfide instead of hydrogen sulfide. The limit of quantification shall be no higher than 100 µg/L, and any detection of sulfides shall trigger monitoring for hydrogen sulfide for the reminder of the permit term.
5 Temperature must be measured at the time of sampling and do not require use of a certified laboratory. Measurements must be obtained in accordance with the applicable method and must meet all method quality assurance/quality control requirements to be considered valid data
6 If chronic toxicity is detected above the Action Levels specified in Table 3.a and 3.b or an acute test fails, the permittee must perform follow-up testing and, as applicable, follow the TIE/TRE processes in Part IV.E of the permit, whether discharging or not. See Part III for additional information on requirements for testing and reporting Whole Effluent Toxicity (WET).

Table 4.b – Discharge Characterization Testing for Outfall 002– General Chemistry, Selected Metals, Trace Substances and WET

Parameter (1)	Reporting Units	Monitoring Requirements	
		Monitoring Frequency (2)	Sample Type
Antimony	µg/L	1 x / 6 months	24-hour Composite
Arsenic	µg/L	1 x / 6 months	24-hour Composite
Beryllium	µg/L	1 x / 6 months	24-hour Composite
Boron	µg/L	1 x / 6 months	24-hour Composite
Cadmium	µg/L	1 x / 6 months	24-hour Composite
Chromium (3)	µg/L	1 x / 6 months	24-hour Composite
Chromium VI (3)	µg/L	1 x / 6 months	Discrete
Copper	µg/L	1 x / 6 months	24-hour Composite
Fluoride	µg/L	1 x / 6 months	24-hour Composite
Hydrogen Sulfide (4)	µg/L	1 x / 6 months	Discrete
Iron	µg/L	1 x / 6 months	24-hour Composite
Lead	µg/L	1 x / 6 months	24-hour Composite
Mercury	µg/L	1 x / 6 months	Discrete
Nickel	µg/L	1 x / 6 months	24-hour Composite
Selenium	µg/L	1 x / 6 months	24-hour Composite
Silver	µg/L	1 x / 6 months	24-hour Composite
Sulfides (4)	µg/L	1 x / 6 months	Discrete
Thallium	µg/L	1 x / 6 months	24-hour Composite
Zinc	µg/L	1 x / 6 months	24-hour Composite
Hardness	mg/L	1 x / 6 months	24-hour Composite
Cyanide (as free cyanide)	µg/L	1 x / 6 months	24-hour Composite
Temperature (5)	°Celsius	1 x / 6 months	Discrete
Total Dissolved Solids (TDS)	mg/L	1 x / quarter	24-hour Composite

Total Suspended Solids (TSS)	mg/L	1 x / quarter	24-hour Composite
Whole Effluent Toxicity - chronic (all 3 species) (6)	TUc	4 x / permit term	24-hour Composite

Footnotes

1 All metals analyses shall be for total recoverable metals, except chromium VI, which is dissolved

2 If more frequent monitoring of any of these parameters is required by another part of this permit, those sampling results may be used to satisfy Table 4.b requirements.

3 If total chromium exceeds 8 µg/L, the permittee must conduct sampling for chromium VI for the remainder of the permit. Otherwise, monitoring for chromium VI is not required. conjunction

4 The permittee may initially monitor for sulfide instead of hydrogen sulfide. The limit of quantification shall be no higher than 100 µg/L, and any detection of sulfides shall trigger monitoring for hydrogen sulfide for the reminder of the permit term.

5 Temperature must be measured at the time of sampling and do not require use of a certified laboratory. Measurements must be obtained in accordance with the applicable method and must meet all method quality assurance/quality control requirements to be considered valid data

6 If chronic toxicity is detected above the Action Levels specified in Table 3.a and 3.b or an acute test fails, the permittee must perform follow-up testing and, as applicable, follow the TIE/TRE processes in Part IV.E of the permit, whether discharging or not. See Part III for additional information on requirements for testing and reporting Whole Effluent Toxicity (WET).

E. Surface Water Quality Standards

1. The discharge shall be free from pollutants in amounts or combinations that:
   a. Settle to form bottom deposits that inhibit or prohibit the habitation, growth or propagation of aquatic life;
   b. Cause objectionable odor in the area in which the surface water is located;
   c. Cause off-flavor in aquatic organisms;
   d. Are toxic to humans, animals, plants or other organisms;
   e. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth or propagation of other aquatic life or that impair recreational uses;
   f. Change the color of the surface water from natural background levels or color

2. The discharge shall be free from oil, grease and other pollutants that float as debris, foam, or scum; or that cause a film or iridescent appearance on the surface of the water; or that cause a deposit on a shoreline, bank or aquatic vegetation.

3. The discharge shall not cause an increase in the ambient water temperature of more than 3.0 degrees Celsius.

4. The discharge shall not cause the dissolved oxygen concentration in the receiving water to fall below 6 mg/l, unless the percent saturation of oxygen remains equal to or greater than 90%.

5. The discharge shall not cause the receiving water to exceed 80 mg/L for suspended sediment concentration.

PART II – MONITORING AND REPORTING

A. Sample Collection and Analysis

1. Samples taken for the monitoring requirements specified in Part I shall be collected at the following locations:
   a. Outfall 001 – Prior to mixing with receiving waters.
   b. Outfall 002 - Downstream from the last treatment process and prior to mixing with the receiving waters.

2. The permittee is responsible for the quality and accuracy of all data required under this permit.

3. The permittee shall keep a QA Manual on site that describes the sample collection and analyses processes. If the permittee collects samples or conducts sample analyses in house, the permittee shall develop a QA Manual that addresses these activities. If a third party collects and/or analyzes samples on behalf of the permittee, the permittee shall obtain a copy of the applicable QA procedures. The QA Manual shall be available for review by ADEQ upon request. The QA Manual shall be updated as necessary to reflect current conditions, and shall describe the following:
   a. Project Management, including:
      i. Purpose of sample collection and sample frequency;
      ii. When and where samples will be collected;
      iii. How samples will be collected;
      iv. Laboratory(s) that will perform analyses;
      v. Any field tests to be conducted (detail methods and specify equipment, including a description of any needed calibrations); and
      vi. Pollutants or analytes being measured and for each, the permit-specific limits, Assessment Levels, or thresholds, (e.g. the associated detection limits needed.)
   b. Sample collection procedures including:
      i. Equipment to be used;
      ii. Type and number of samples to be collected including QA/QC samples (i.e., background samples, duplicates, and equipment or field blanks);
      iii. Types, sizes and number of sample bottles needed;
      iv. Preservatives and holding times for the samples (see methods under 40 CFR 136 or 9 A.A.C. 14, Article 6 or any condition within this permit that specifies a Chain of Custody procedures.
   c. Specify approved analytical method(s) to be used and include;
      i. Limits of Detection (LOD) and Limits of Quantitation (LOQs);
      ii. Required quality control (QC) results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and
      iii. Corrective actions to be taken by the permittee or the laboratory as a result of problems identified during QC checks.
   d. How the permittee will perform data review; complete DMRs and records used to report results to ADEQ; resolve data quality issues; and identify limitations on the use of the data.

4. Sample collection, preservation and handling shall be performed as described in 40 CFR 136 including the referenced Edition of *Standard Methods for the Examination of Water and Wastewater*, or by procedures referenced in A.R.S. Title 9, Chapter 14 of the Arizona Department of Health Services (ADHS) Laboratory Licensure rules. The permittee shall outline the proper procedures in the QA Manual, and samples taken for this permit must conform to these procedures whether collection and handling is performed directly by the permittee or contracted to a third-party.

5. Analytical requirements
   a. The permittee shall use a laboratory licensed by the ADHS Office of Laboratory Licensure and Certification that has demonstrated proficiency within the last 12 months under A.A.C. R9-14-609, for each parameter to be sampled under this permit. However, this requirement does not apply to parameters which require analysis at the time of sample accordance with A.C.C. 36-495.02(A)(3). (These parameters may include flow, dissolved oxygen, pH, temperature, and total residual chlorine.)

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b. The permittee must utilize analytical methods specified in this permit. If no test procedure is specified, the permittee shall analyze the pollutant using:
   i. A test procedure listed in 40 CFR 136 which is also approved under A.A.C. R9-14-610;
   ii. An alternative test procedure approved by EPA as provided in 40 CFR 136 and which is also approved under A.A.C. R9-14-610;
   iii. A test procedure listed in 40 CFR 136, with modifications allowed by EPA or approved as a method alteration by ADHS under A.A.C. R9-14-610C; or
   iv. If no test procedure for a pollutant is available under (4)(b)(i) through (4)(b)(iii) above, any Method approved under A.A.C. R9-14-610(B) for wastewater may be used, except the use of field kits is not allowed unless otherwise specified in this permit. If there is no approved wastewater method for a parameter, any other method identified in 9 A.A.C. 14, Article 6 that will achieve appropriate detection and reporting limits may be used for analyses.

c. For results to be considered valid, all analytical work, including those tests conducted by the permittee at the time of sampling (see Part II.A.4.a), shall meet quality control standards specified in the approved methods.

d. The permittee shall use analytical methods with a Limit of Quantitation (LOQ) that is lower than the effluent limitations, Assessments Levels, Action Levels, or other water quality criteria, if any, specified in this permit. If all methods have LOQs higher than the applicable water quality criteria, the Permittee shall use the approved analytical method with the lowest LOQ.

e. The permittee shall use a standard calibration curve when applicable to the method, where the lowest standard point is equal to or less than the LOQ.

f. If requested, the permittee shall participate in annual NPDES DMR/QA studt and sybmit the results of this study to ADEQ and ADHS for all laboratories used in monitoring compliance with this permit.

6. Mercury Monitoring - The permittee shall use an ADHS-certified low-level mercury analytical method such as EPA method 245.7 or 1631E to achieve a reporting limit at or below the discharge limitations or assessment levels for mercury as specified in this permit. The permittee shall also use a "clean hands/dirty hands" sampling technique such as EPA Method 1669 if necessary to achieve these reporting limits.

7. Metals Analyses - In accordance with 40 CFR 122.45(c), all effluent metals concentrations, with the exception of chromium VI, shall be measured as "total recoverable metals". Discharge Limits and Assessment Levels in this permit, if any, are for total metals, except for chromium VI for which the levels listed are dissolved.

B. Reporting of Monitoring Results

1. The permittee shall report monitoring results on Discharge Monitoring Report (DMR) to the ADEQ electronic submission portal MyDEQ. The permittee shall submit results of all monitoring required by this permit in a format that will allow direct comparison with the limitations and requirements of this permit. If no discharge occurs during a reporting period, the permittee shall specify "No discharge" on the DMR. The results of all discharge analyses conducted during the monitoring period shall be included in determinations of the monthly average and daily maximums reported on the DMRs if the analyses were by methods specified in Part II.A above, as applicable.

2. DMRs and attachments are to be submitted by the 28th day of the month following the end of a monitoring period. For example, if the monitoring period ends January 31st, the permittee shall submit the DMR by February 28th. The permittee shall electronically submit all compliance monitoring data and reports using the myDEQ electronic portal provided by ADEQ. The reports required to be electronically submitted include, but are not limited to, the following:
   a. Discharge Monitoring Reports

b. Whole Effluent Toxicity (WET) reports
c. Original copies of laboratory results
d. AZPDES discharge flow records
e. Bench sheets or similar documentation for field testing parameters

3. If requested to participate, the permittee shall submit the results of the annual NPDES DMR/QA Study to ADEQ and ADHS for all laboratories used in monitoring compliance with this permit by December 31st of each year. The permittee shall also conduct any proficiency testing required by the NPDES DMR-QA Study for those parameters listed in the study that the permittee analyzes in house or tests in the field at the time of sampling (these parameters may include pH and total residual chlorine). All results of the NPDES DMR-QA Study shall be submitted to the email and addresses listed below, or submit by any other alternative mode as specified by ADEQ:

Arizona Department of Environmental Quality
Email: AZPDES@azdeq.gov

Arizona Department of Health Services
Attn: Office of Laboratory Licensure and Certification
250 North 17th Avenue
Phoenix, AZ 85007

4. For the purposes of reporting, the permittee shall use the Limit of Quantitation.

5. For parameters with Daily Maximum Limits or Daily Maximum Assessment Levels in this permit, the permittee shall review the results of all samples collected during the reporting period and report as follows:

Table 6 – DMR Reporting Requirements for Daily Maximum Limits and Assessment Levels

For Daily Maximum Limits/Assessment Levels	The Permittee shall Report on the DMR
When the maximum value of any analytical result is greater than or equal to the LOQ	The maximum value of all analytical results
When the maximum value detected is greater than or equal to the laboratory's LOD but less than the LOQ (Not Quantifiable)	NODI (Q)
When the maximum value is less than the laboratory's LOD (Below Detection)	NODI (B)

6. For parameters with Monthly Average Limits or Monthly Average Assessment Levels in this permit, the permittee shall review the results of all samples collected during the reporting period and report.

Table 7 – DMR Reporting Requirements for Monthly Average Limits / Assessment Levels

For Monthly Average Limits/Assessment Levels		The Permittee shall Report on the DMR
If only one sample is collected during the reporting period (monthly, quarterly, annually, etc.) (In this case, the sample result **is** the monthly average.)	When the value detected is greater than or equal to the LOQ	The analytical result
	When the value detected is greater than or equal to the laboratory's LOD, but less than the LOQ	NODI (Q)
	When the value is less than the laboratory's LOD	NODI (B)

For Monthly Average Limits/Assessment Levels		The Permittee shall Report on the DMR
If more than one sample is collected during the reporting period	All samples collected in the same calendar month must be averaged. •When all results are greater than or equal to the LOQ, all values are averaged •If some results are less than the LOQ, use the LOD value in the averaging •Use '0' for values less than the LOD	The highest monthly average which occurred during the reporting period

7. For all field testing, or if the information below is not included on the laboratory reports required by Part II.B.2, the permittee shall attach a bench sheet or similar documentation to each DMR that includes, for all analytical results during the reporting period the following:
   a. the analytical result,
   b. the number or title of the approved analytical method, preparation and analytical procedure utilized by the field personnel or laboratory, and the LOD and LOQ for the analytical method for the parameter, and
   c. any applicable data qualifiers using the most current revision of the Arizona Data Qualifiers (available online at: http://www.azdhs.gov)

C. Twenty-four Hour Reporting of Noncompliance

1. The permittee shall orally report to the Emergency Response Unit hotline at (602) 771-2330 any noncompliance that poses imminent threat to the environment or human health within 24 hours from the time the permittee becomes aware of the circumstances. The permittee shall also submit an electronic report to the Surface Water Inspection and Compliance Unit within 5 days of the noncompliance event using the myDEQ electronic portal provided by ADEQ. The permittee shall include in the written notification: a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

   The following instances of noncompliance are subject to the 24-hour and 5-day reporting requirements and must be reported orally to the Emergency Response Unit hotline:
   a. Any unanticipated bypass which exceeds any effluent limitations in the permit,
   b. Any upset which exceeds any effluent limitation in the permit, or
   c. Any spill or discharge that poses an imminent threat to human health or the environment.

2. All other instances of noncompliance remain subject to the 24-hour and 5-day reporting requirements, and must call the ADEQ AZPDES hotline at (602) 771-1440. Fro example, an exceedance of any maximum daily limit for the pamaters listed in Part I.A Table 1.a, and Table 1.b that does not poses an imminenet threat to human health or the environment.

3. The permittee shall retain records the following monitoring records:
   a. Date, exact location and time of sampling or measurements performed, preservatives used;
   b. Individual(s) who performed the sampling or measurements;
   c. Date(s) the analyses were performed;
   d. Laboratory(s) which performed the analyses;
   e. Analytical techniques or methods used;
   f. Chain of custody forms;
   g. Any comments, case narrative or summary of results produced by the laboratory. These comments should identify and discuss QA/QC analyses performed concurrently during sample analyses and should specify whether analyses met project requirements and 40 CFR 136. If results include information on

initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, sample receipt condition, or holding times and preservation, these records must also be retained.

h. Summary of data interpretation and any corrective action taken by the permittee.

PART III – WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

A. General Conditions

1. The permittee shall conduct chronic (acute or both) toxicity tests on an 24-hour composite samples of the final effluent at the frequencies specified in Part 1. The requirement to conduct chronic toxicity testing is contingent upon the frequency or duration of discharges. See Part IV.C.1 below for details. If chronic testing is conducted a separate acute test is not required. However, the acute endpoint shall be reported from the chronic test.

2. Final effluent samples must be taken following all treatment processes, including chlorination and dechlorination, and prior to mixing with the receiving water. The required WET tests must be performed on unmodified samples of final effluent. WET tests conducted on samples that are dechlorinated after collection are not acceptable for compliance with this permit.

3. Chemical testing for all the parameters listed in Parts I.A and B of this permit whose required sample type is a composite shall be performed on a split of one composite sample taken for an acute WET test or a split of at least one of the three composite samples taken for one chronic WET test. For those parameters listed in Parts I.A and B of this permit whose required sample type is discrete, the testing shall be performed on a discrete sample collected concurrently with one sample, discrete or composite, collected for an acute or chronic WET test.

4. Definitions related to toxicity are found in Appendix A.

B. Acute Toxicity

1. If chronic toxicity testing is not required per Part IV.C.1, the permittee shall conduct 96-hour acute toxicity tests with renewal at 48 hours on two species; *Ceriodaphnia dubia* and *Pimephales promelas* using 100% effluent and a control. The acute test may be completed as a non-renewal 48-hour acute test when a second sample for renewal at 48 hours cannot be taken due to a cessation of the discharge after an acute test has been initiated.

2. The permittee must follow the USEPA 5th edition manual, "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012) for all acute toxicity testing. The presence of chronic toxicity shall be estimated as specified in the method for each species tested.

3. The acute toxicity action level is any failing test result. The test fails if survival in 100% effluent is less than 90%, and is significantly different from control survival (which must be 90% or greater), as determined by hypothesis testing. Section 11.3 of the acute manual referenced above must be followed to determine Pass or Fail. Any result of Fail requires follow-up testing per Part IV, Section E.

4. The permittee shall report results as Pass or Fail.

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C. Chronic Toxicity

1. The permittee shall conduct short-term chronic toxicity tests on three species: the waterflea, *Ceriodaphnia dubia* (survival and reproduction test); the fathead minnow, *Pimephales promelas* (larval survival and growth test); and the green alga, *Pseudokirchneriella subcapitata* (formerly known as *Selenastrum capricornutum* or *Raphidocelis subcapitata)* (growth test). Since completion of the chronic WET test for *Ceriodaphnia dubia* and *Pimephales promelas* requires a minimum of three samples be taken for renewals, the chronic WET test will not be required during any given monitoring period in which the discharge(s) does not occur over seven consecutive calendar days and is (are) not repeated more frequently than every thirty days, except as specified in Part I.D (chronic WET testing for discharge characterization is required whether discharging or not). The discharge does not have to be continuous to fall under this requirement.

2. The permittee must follow the USEPA 4th edition manual, "*Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821-R-02-013) for all chronic compliance toxicity testing.

3. The chronic toxicity action levels are any one test result greater than 1.6 Tus or any calculated monthly median value greater than 1.0 TUc. If chronic toxicity is detected above these values, follow-up testing is required per Part IV, Section E. A chronic toxicity unit (TUc) shall be calculated as TUc = 100/NOEC.

4. The chronic WET test shall be conducted using a series of five dilutions and a control. The following dilution series must be used: 12.5, 25, 50, 75, and 100% effluent.

D. Quality Assurance

1. Effluent samples must be maintained between 0 and 6°C from collection until utilized in the toxicity testing procedure. When a composite sample is required, each aliquot making up the composite must be chilled after collection and throughout the compositing period. The single allowable exception is when a grab sample is delivered to the performing laboratory for test initiation no later than 4 hours following the time of collection.

2. Control and dilution water should be receiving water or lab water as appropriate, as described in the 40 CFR Part 136.3 approved method. If the dilution water used is different from the culture water, a second control, using culture water shall also be used.

3. Reference toxicity tests, (a check of the laboratory and test organisms' performance), shall be conducted at least 1 time in a calendar month for each toxicity test method conducted in the laboratory during that month. Additionally, any time the laboratory changes its source of test organisms, a reference toxicity test must be conducted before or in conjunction with the first WET test performed using the organisms from the newer source. Reference toxicant testing must be conducted using the same test conditions as the effluent toxicity tests (ie., same test duration, etc.).

4. If either the reference toxicant test or the effluent test does not meet all test acceptability criteria as specified in the 40 CFR Part 136.3 approved WET methods, then the permittee must re-sample and re-test within 14 days of receipt of the test results. The re-sampling and re-testing requirements include laboratory induced error in performing the test method.

5. The chronic reference toxicant and effluent tests must meet the upper and lower bounds on test sensitivity as determined by calculating the percent minimum significant difference (PMSD) for each test result. The

test sensitivity bound is specified for each test method (see Section 10, Table 6 in EPA/821-R-02-013). There are five possible outcomes based on the PMSD result.

a. Unqualified Pass- The test's PMSD is within bounds and there is no significant difference between the means for the control and the effluent. The regulatory authority would conclude that there is no toxicity.
b. Unqualified Fail- The test's PMSD is larger than the lower bound (but not greater than the upper bound) in Table 6 and there is a significant difference between the means for the control and the effluent. The regulatory authority would conclude that there is toxicity.
c. Lacks Test Sensitivity- The test's PMSD exceeds the upper bound in Table 6 and there is no significant difference between the means for the control and the effluent. The test is considered invalid. An effluent sample must be collected and another toxicity test must be conducted within 14 days of receipt of the test results.
d. Lack Test Sensitivity- The test's PMSD exceeds the upper bound in Table 6 and there is a significant difference between the means for the control and the effluent. The test is considered valid. The regulatory authority will conclude that there is toxicity.
e. Very Small but Significant Difference- The relative difference between the means for the control and effluent is smaller than the lower bound in Table 6 and this difference is statistically significant. The test is acceptable and the NOEC should be determined.

E. Toxicity Identification Evaluation (TIE)/Toxicity Reduction Evaluation (TRE) Process

1. If acute and/or chronic toxicity is detected above a WET action level or Limit specified in this permit and the source of toxicity is <u>known</u> (for instance, a temporary plant upset), the permittee shall conduct one follow-up test within two weeks of receipt of the sample results that exceeded the action level. The permittee shall use the same test and species as the failed toxicity test. For intermittent discharges, the follow-up test shall be conducted whether discharging or not. If toxicity is detected in the follow-up, the permittee shall immediately begin developing a TRE plan and submit the plan to ADEQ for review and approval within 30 days after receipt of the toxic result. Requirements for the development of a TRE are listed in paragraph 3 below. The permittee must implement the TRE plan as approved and directed by ADEQ.

2. If acute and/or chronic toxicity is detected above an action level or Limit specified in this permit and the source of toxicity is <u>unknown</u>, the permittee shall begin additional toxicity monitoring within two weeks of receipt of the sample results that exceeded the action level. The permittee shall conduct one WET test approximately every other week until either a test exceeds an action level (or limit) or four tests have been completed. The follow-up tests must use the same test and species as the failed toxicity test. For intermittent discharges, the first follow-up test shall be conducted whether discharging or not; the subsequent three follow-up tests shall be conducted during the next three discharge events.
   a. If none of the four tests exceed a WET action level or limit, then the permittee may return to the routine WET testing frequency specified in this permit.
   b. If a WET action level or limit is exceeded in any of the additional tests, the permittee shall immediately begin developing a TRE plan and submit the plan to ADEQ for review and approval within 30 days after receipt of the toxic result. Requirements for the development of a TRE are listed in subsection 3, below. The permittee must implement the TRE plan as approved and directed by ADEQ.

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3. The permittee shall use the EPA guidance manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants*, 1999 (EPA/833/B-99/002) in preparing a TRE plan. The TRE plan shall include, at a minimum, the following:
   a. Further actions to investigate and identify the causes of toxicity, if unknown. The permittee may initiate a TIE as part of the TRE process using the following EPA manuals as guidance: *Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I,* 1992 (EPA/600/6-91/005F); *Methods for Aquatic Toxicity Identification Evaluations: Phase I, Toxicity Characterization Procedures*, 2nd Edition, 1991 (EPA/600/6-91/003); *Methods for Aquatic Toxicity Identification Evaluations: Phase II, Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity,* 1993 (EPA/600/R-92/080); and *Methods for Aquatic Toxicity Identification Evaluations: Phase III, Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity,* 1993 (EPA/600/R-92/081).

   b. Action the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and

   c. A schedule for implementing these actions.

F. WET Reporting

1. The permittee shall report chronic toxicity results on DMRs in Chronic Toxicity Units (TUc). The TUc for DMR reporting shall be calculated as TUc= 100/NOEC.

2. In addition to reporting WET results on DMRs, the permittee shall submit a copy of the full lab report(s) for all WET testing conducted during the monitoring period covered by the DMR. The lab report should report TUc as 100/NOEC **and** as $100/IC_{25}$. If the lab report does not contain any of the following items, then these must also be supplied in a separate attachment to the report: 1) sample collection and test initiation dates, 2) the results of the effluent analyses for all parameters required to be tested concurrently with WET testing as defined in Part I.A and B, Tables 1.a, 1.b, 2.a, and 2.b, and Part III.A.3 of this permit, and 3) copies of completed "AZPDES Discharge Flow Records" for the months in the WET monitoring period.

3. WET lab reports and any required additional attachments shall be submitted to ADEQ by the 28th day of the month following the end of the WET monitoring period, or upon request.

PART IV – SPECIAL CONDITIONS

A. STORM WATER EXEMPTION

1. In accordance with 40 CFR 440.131(b)(1), if Outfall 001, as a result of precipitation or snowmelt has an overflow or excess discharge of storm water which does not meet the limitations of 40 CFR part 440, the source may qualify for an exemption from such limitations with respect to the discharge if the following conditions are met:

   a. The containment pond at the facility must be designed, constructed and maintained to contain the maximum volume of wastewater resulting from a 10-year, 24-hour storm event or treat the maximum flow associated with these volumes. In computing the maximum volume of wastewater which would result from a 10-year, 24-hour precipitation event, the facility must include the volume which would result from all areas contributing runoff to the individual treatment facility i.e, all runoff that is not diverted from the active mining area and runoff which is not diverted from the mill area. The stormwater containment pond at RCML is the CP-105 Pond. RCML has stated CP-105 Pond is designed, constructed and maintained to contain the volume associated with a 100-year, 24-hour storm event and therefore meets this condition.

b. Resolution Copper Mining takes all reasonable steps to maintain treatment of the wastewater and minimize the amount of overflow. The reasonable steps include, but are not limited to, the following: contain the maximum volume of mine site stormwater generated by a 100 year, 24-hour storm event in CP-105 Pond; and pump excess stormwater to the Mine Water Treatment Plant for treatment and discharge to the either the New Magma Irrigation and Drainage District or through Outfall 002.

c. Resolution Copper Mining provides notification of such discharges within 30 days to ADEQ at the address listed under Part IV.F.5 of this permit. The notification shall contain a report documenting the reasonable steps Resolution Copper Mining made to minimize the amount of overflow.

2. The storm exemption is designed to provide an affirmative defense to an enforcement action, and as such, the permittee has the burden of demonstrating to ADEQ and/or EPA that all of the above conditions have been met. The discharge limits in Table 1.a. shall be met if a discharge were to occur through Outfall 001.

B. CONDITIONAL WET MONITORING

The permittee is required to perform monthly TDS monitoring for Outfall 002 in Table 2.b. If the TDS concentration is greater than 2140 mg/L during that monthly monitoring, the permittee shall perform the WET monitoring as required in Table 3.b. during that month. The permittee shall follow all the WET testing and follow-up testing procedures as described in Part III of the permit. The results from any conditional WET tests as required by this special condition can be used to satisfy the quarterly monitoring if not already reported.

The WET results shall be submitted electronically using the myDEQ portal. If multiple WET samples occurred during the monitoring period, the additional WET reports can be submitted as attachments to the DMR for that month.

C. BEST MANAGEMENT PRACTICES

1. The permittee shall maintain and update, when necessary, the existing Best Management Practices Plan (submitted July 2021 to ADEQ) for the Resolution Copper Mining – Superior Operations, to ensure that it fully and accurately addresses all required provisions of this permit.

   a. The BMP plan shall include the facility location, facility description, outfalls, potential pollutant sources and a description of control measures. The Plan shall include a statement of the BMP policy and objective.
   b. A current list of personnel responsible for implementing the BMP plan, their job descriptions, assigned duties and work phone numbers.
   c. The most recent emergency response procedures for tailings dam failure and unauthorized discharges.
   d. Employee training for emergency spill response related to AZPDES facilities or Spill Prevention Control and Countermeasure (SPCC) Plans.
   e. The BMP plan shall include a detailed site map or maps including:

      i. Facility descriptions
      ii. Locations of AZPDES permitted discharge outfalls

iii. Stormwater channel system,diversion channel(s), and ponds
iv. Mine dewatering discharge delivery tunnel
v. Mine dewatering discharge treatment plant
vi. Containment impoundments and conveyances
vii. Stormwater seepage pumpback systems and stations
viii. Any newly identified process-related seeps, if applicable

2. Implementation of Best Management Practices:

Records of activities undertaken and observations made shall continue to be maintained in a hardbound field notebook on a monthly basis during months in which measurable rainfall occurs. The notebook shall be available at the site.

Annually, by March 31, the permittee shall review the existing Best Management Practices Plan and update the plan as necessary. Updates and revisions to the Best Management Practices Plan shall be tracked and submitted in the subsequent annual report.

3. Inspection of freeboard for storage/containment ponds located up gradient of Outfall 001:

The permittee shall continue to monitor the available freeboard for storage/containment ponds located upgradient of Outfall 001 after significant rainfall events and document the available freeboard quarterly. Monthly and after-precipation events observations shall be recorded in a field notebook. After storm events, the permittee shall take measures as soon as practicable to restore adequate freeboard at the West Plant ponds necessary to contain the designed storm event. Such measures shall be continued by the permittee until adequate freeboard is restored.

4. Inspection of capacity for storage/containment ponds located up gradient of Outfall 001:

The permittee shall continue to assess the siltation of retention/containment impoundments upgradient of Outfall 001 annually and after rainfall events of over 3 inches in 24 hours. The permittee shall take action to remove solids when liquid storage capacity is less than 80 percent of the required design volume. Annual and after-precipation events observations shall be recorded in a field notebook. After storm events, the permittee shall take measures as soon as practicable to restore adequate capacity at the West Plant ponds necessary to contain the designed storm event. Such measures shall be continued by the permittee until adequate capacity is restored.

5. Inspection of Liner Integrity for storage/containment ponds located up gradient of Outfall 001:

The permittee shall continue to take measures to maintain the integrity of containment liners in faiclcites located upgradient of Outfall 001.

6. Emergency Response Plan:

The permittee's Emergency Response Plan (ERP) shall continue to cover discharges from Outfall 001. Resolution's ERP shall at a minimum address containment and/or treatment, if necessary to prevent violations of surface water quality standards due to an unauthorized discharge of process solutions from the Resolution Copper Mining - Superior facility to Protected Surface Waters.

7. Emergency access to vulnerable unauthorized discharge areas:

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The permittee shall continue to make areas identified as vulnerable to unauthorized discharges of pollutants to Protected Surface Water(s) accessible by emergency equipment in the event of a spill or unauthorized discharge. Accesses are to be maintained as necessary to ensure emergency equipment access.

8. Pump Station Best Management Practice:

The permittee's Pump Station BMP shall continue to include a maintenance program for pump stations, spare pumps, pipelines, containment structures and standby electrical generators. This BMP shall also include a records system for pump station testing and equipment inspections. The permittee shall conduct regular site and equipment inspections.

9. Routine Inspection and Maintenance:

The permittee shall continue routine inspection and maintenance procedures after significant storm events for process and stormwater facilities located upgradient of Outfall 001 and within drainages tributary to Protected Surface Water(s). At a minimum, these procedures shall include:

a. Structural repair of berms, ditches, dikes, and dams;

b. Maintenance of ponds, containment structures, pipelines, and pump stations; and

c. Inspection procedures for storage/containment ponds to assess available freeboard and surge capacity.

10. Resolution Copper Mining - Superior Operations Seep Identification BMP:

The permittee shall continue to identify any process-related seeps located on mine property that would have the potential to discharge to Protected Surface Waters. Containment related seeps are defined as meeting the following criteria:

a. Discharges as defined by the Clean Water Act and A.R.S Title 49 Chapter 2, Article 3.1 et seq., to Protected Surface Water(s);

b. Has an observable and measurable flow of at least one gallon per minute upon discharge to Protected Surface Waters, and

c. Has continuous flow unrelated to storm events defined as being found to flow continuously 72 hours after a storm event.

The permittee shall take an initial discrete sample of any process-related seep and analyze the sample for the parameters listed in the ambient monitoring program in Part IV.D.1.b. If the seep meets Arizona Surface Water Quality Standards (SWQS), the permittee shall sample the seep every two years.

If water flowing from the seep does not meet Arizona SWQS, the permittee shall report the seep together with the information listed in Part IV.D.1.b of this permit and a response plan and compliance schedule.

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11. BMP Recordkeeping Requirements

The permittee shall retain a copy of the current BMP on site at the facility or locally available for use by regulating authorities at the time of an inspection. A record of BMP revisions, including dates, authorizing personnel, and summaries of major changes to each revision, shall be maintained with the current BMP. A copy of the BMP and the record of revisions shall be provided to ADEQ upon request.

The permittee shall maintain all logs, inspection and maintenance reports, and other records required by the BMP or this permit on file at the facility for three years where they shall be available for inspection by ADEQ.

D. AMBIENT MONITORING PLAN

1. The permittee shall continue monitoring and reporting of the receiving water quality based on the following requirements:

   a. Open water, consisting of pools located upgradient and downgradient of the discharge point exist year-round, but open stream flow only occurs during or after wet weather. Therefore, the permittee shall take discrete samples at the listed upstream and downstream ambient monitoring points, once shortly after flow begins in Queen Creek at QCAMP1 through QCAMP2:

      i. **Upstream**
      QCAMP1 – Mary Drive at the crossing of Queen Creek; sample location established on the south side of Queen Creek and the west side of Mary Drive, approximately 370 feet upstream of the confluence of the unnamed wash and Queen Creek.

      Latitude: 33˚ 17′ 02″ N
      Longitude: 111˚ 06′ 59″ W

      ii. **Downstream**
      QCAMP2 – North side of Queen Creek approximately 335 feet downstream of the confluence of the unnamed wash and Queen Creek.

      Latitude: 33˚ 17′ 00″ N
      Longitude: 111˚ 07′ 7.5″ W

   b. Monitoring Parameters

      The following parameters shall be included in ambient monitoring:

Alkalinity	Selenium (T&D)
Arsenic (T&D)	Sulfate
Cadmium (T&D)	Total dissolved solids (TDS)
Copper (T&D)	Zinc (T&D)
Hardness	Field pH
Iron (T&D)	Field Temperature
Lead (T&D)	Field Specific Electrical Conductivity
Manganese (T&D)	Flow Rate
Mercury	

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c. Monitoring and reporting requirements shall be done in accordance with Part II of the permit.

2. Arizona SWQS for the designated uses of Aquatic and Wildlife – warm water(A&Ww), Partial Body Contact, and Agricultural Livestock watering apply to Queen Creek at the point of discharge. For each sampling event, the SWQS for the acute A&Ww use for hardness-dependent metals are to be calculated using ambient hardness and the tables in Appendix A of A.A.C. Title 18, Chapter 11, Article 1. The calculation of acute A&Ww standards are to be submitted with the total and dissolved metals results in the annual report.

3. Ambient Monitoring Reporting

   a. The permittee shall record all field sampling activities in a hardbound field notebook. Entries shall be updated, legible, written in permanent ink, and contain accurate information. Entries shall include the following information in addition to that required by the AZPDES Standard Reporting Conditions:

      i. weather conditions,
      ii. date and time of sampling,
      iii. sampling point identification,
      iv. type of blank collected and method of collection,
      v. field measurements,
      vi. condition/color/characteristics of water and sediments in the stream bed and banks,
      vii. names of sampling personnel.

   b. The permittee shall submit all ambient monitoring data in the annual report.

4. Ambient Monitoring Quality Assurance

   a. The permittee shall submit to their lab on a bi-annual basis a "blind" field duplicate of the downstream monitoring sample. Results shall be included with annual report.

   b. The permittee shall submit to their lab on a bi-annual basis a "blind" field blank. The field blank is to be collected by pouring filtered, distilled water directly into one of the clean sample bottles used for field sampling. Results shall be included with annual report.

   c. The permittee shall submit to their lab for every sampling run a double volume laboratory Quality Control sample. The laboratory QC samples will be labeled "lab QC" on the sample labels and are to be analyzed for all parameters. Results shall be included with annual report.

E. RECEIVING WATER BIOASSESSMENT

The permittee shall conduct an annual bioassessment of Queen Creek (both upstream and downstream). The purpose of the bioassessment is to assess the effectiveness of pollution control measures and the operation of the mine dewatering treatment system as implemented by the permittee. The bioassessment shall be conducted as follows:

1. Bioassessment is to be continued beginning the first wet season following the issuance of this permit;

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2. Bioassessment is to occur concurrently with required ambient monitoring;

3. Bioassessment sampling is to occur at the upstream and downstream monitoring points designated in the ambient monitoring plan. The permittee may propose an alternative sampling location to the upstream monitoring point designated in the ambient monitoring plan. This location shall be described in the bioassessment survey plan to be submitted to ADEQ pursuant to Part IV.E.6 of this permit;

4. The permittee may request to forego the bioassessment in the annual survey plan for that year provided annual flow data is included in the submission.

5. The permittee shall use the specific protocols found in the document "Biocriteria Program Quality Assurance Program Plan, (ADEQ, 2005) Revision D" to complete the following for each bioassessment:

   a. ADEQ Stream Ecosystem Monitoring Field Form which is updated on an annual basis and to be filled out for each sampling event, and

   b. Macroinvertebrate Sampling and Analysis.

6. The permittee shall submit an annual bioassessment survey plan to ADEQ by January 31st each year. The final survey plan will include an update of the following information:

   a. proposed bioassessment sample dates or justification for foregoing assessment per Part IV.E.4,

   b. sampling personnel and qualifications,

   c. name and location of contract laboratory,

   d. sampling protocols based on the document "Biocriteria Program Quality Assurance Program Plan, (ADEQ, 2005) Revision D", and

   f. Methods for analyzing sample results shall generally follow the "Procedures for Data Analysis and Calculation of the Warmwater Index of Biological Integrity found in Attachment A of the Biocriteria Program Quality Assurance Program Plan, (ADEQ, 2005) Revision D" recognizing the receiving water is designated an A&Ww.

7. The bioassessment for each year shall be submitted as an attachment to the annual report submitted to ADEQ. A copy of the Bioassessment Report shall be sent to the address specified in Part IV.F.

8. Bioassessments conducted under the bioassessment plan shall be subject to a quality assurance review to be conducted by ADEQ. After collection and taxonomic identification, any new voucher specimens from the permittee's contract laboratory are to be submitted to the taxonomist for ADEQ. An independent taxonomic verification shall be conducted on the voucher specimens by a laboratory contracted by ADEQ. The quality assurance review shall include a comparison of taxa listed by each laboratory and an estimate of the taxonomic error rate. ADEQ will provide a copy of the quality assurance report to the permittee, and the permittee will include a copy of this report in the subsequent annual report.

F. SUBMITTAL OF ANNUAL REPORT

The permittee shall submit an annual report to ADEQ by September 30 of each year that includes the

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following information:

1. Ambient surface water monitoring data collected during each discharge event from the monitoring sites and parameters specified in Part IV.D.1.b Copies of all laboratory reports and field sampling records, and the QA/QC sampling results shall be included.

2. Seep discharge monitoring results and applicable calculations for the parameters listed in Part IV.D.1.b, if samples were collected from observable and measurable flow identified as process-related seeps defined in Part IV C.10 Copies of all laboratory reports and the QA/QC sampling results shall be included.

3. Annual bioassessment report for Queen Creek, if required, including all information described in Part IV.D.

4. A summary of the BMPP implementation and updates if necessary, and monitoring that covers activities in the stormwater diversion channels, mine water discharge delivery tunnel, and operation/ maintenance of the water treatment plant and containment impoundments.

5. The annual report shall be submitted to the following e-mail address or by an alternative mode as specified by ADEQ: azpdes@azdeq.gov

G. REOPENER

This permit may be modified per the provisions of A.A.C. R18-9-B906, and R18-9-A905 which incorporates 40 CFR Part 122. This permit may be reopened based on newly available information; to add conditions or limits to address demonstrated effluent toxicity; to implement any EPA-approved new Arizona water quality standard; or to re-evaluate reasonable potential (RP), if Assessment Levels in this permit are exceeded.

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Appendix A - Part A: Acronyms

A.A.C.	Arizona Administrative Code
ADEQ	Arizona Department of Environmental Quality
ADHS	Arizona Department of Health Services
EQ	Exceptional Quality (biosolids)
AZPDES	Arizona Pollutant Discharge Elimination System
A.R.S.	Arizona Revised Statutes
CFR	Code of Federal Regulations
CFU	Colony Forming Units
Director	The Director of ADEQ or any authorized representative thereof
DMR	Discharge Monitoring Report
EPA	The U.S. Environmental Protection Agency
kg/day	Kilograms per day
MGD	Million Gallons per Day
mg/L	Milligrams per Liter, also equal to parts per million (ppm)
MPN	Most Probable Number
NPDES	National Pollutant Discharge Elimination System
PFU	Plaque-Forming Unit
QA	Quality Assurance
SSU	Sewage Sludge Unit
TBEL	Technology-based Effluent Limitation
µg/L	Micrograms per Liter, also equal to parts per billion (ppb)
WQBEL	Water quality-based Effluent Limitation

Appendix A - Part B: Definitions

Acute Toxicity Test	A test used to determine the concentration of effluent or ambient waters that produces an adverse effect (lethality) on a group of test organisms during a short-term exposure 9e.g., 24, 48, or 96 hours). Acute toxicity is measured using statistical procedures (e.g., pint estimate techniques or hypothesis testing) and is reported as PASS/FAIL or in TUas, where TUa = $100LC_{50}$.
Acute-to Chronic Ratio (ACR)	Is the ratio of the acute toxicity of an effluent or a toxicant to its chronic toxicity. It is used as a factor for estimating chronic toxicity on the basis of acute toxicity data, or for estimating acute toxicity on the basis of chronic toxicity data.
Agronomic Rate	The whole biosolids application rate on a dry-weight basis that meets the following conditions: a.) The amount of nitrogen needed by existing vegetation or a planned or actual crop has been provided, and b.) The amount of nitrogen that passes below the root zone of the crop or vegetation is minimized.
Base Flood	A flood that has a one percent chance of occurring in any given year (or a flood that is likely to occur once in 100 years).
Bulk Biosolids	Biosolids that are transported and land-applied in a manner other than in a bag or other container holding biosolids of 1.102 short tons or 1 metric ton or less.
Chronic Toxicity Test	A test in which sublethal effects (e.g., reduced growth or reproduction) are measured in addition to lethality. Chronic toxicity is measured as TUc =

	100/NOEC or TUc = 100/Ecp or 100/ICp. The ICp and ECp value should be the approximate equivalent of the NOEC calculated by hypothesis testing for each test method.
Composite Sample	A sample that is formed by combining a series of individual, discrete samples of specific volumes at specified intervals. Composite samples characterize the quality of a discharge over a given period of time. Although, composite samples can be time-weighted or flow-weighted, this permit requires the collection of flow-proportional composite samples. This means that samples are collected and combined using aliquots in proportion to flow rather than time. Also see Flow-Proportional Composite.
Daily Maximum Concentration Limit	The maximum allowable discharge of a pollutant in a calendar day as measured on any single discrete sample or composite sample.
Discrete or Grab Sample	An individual sample of at least 100 mL collected from a single location, or over a period of time not exceeding 15 minutes.
Effect Concentration Point (ECP)	A point estimate of the toxicant (or effluent) concentration that would cause an observable adverse effect (e.g., survival or fertilization) in a given percent of the test organisms, calculated from a continuous model (e.g., USEPA Probit Model).
Flow Proportional Composite Sample	A sample that combines discrete samples collected over time, based on the flow of the discharge being sampled. There are two methods used to collect this type of sample. One collects a constant sample volume at time intervals that vary based on stream flow. The other collects discrete samples that are proportioned into aliquots of varying volumes based on stream flow, at constant time intervals (i.e. flow-weighted composite sample).
Hardness	The sum of the calcium and magnesium concentrations, expressed as calcium carbonate ($CACO_3$) in milligrams per liter.
Hypothesis Testing	A statistical technique (e.g., Dunnetts test) that determines what concentration is statistically different from the control. Endpoints determined from hypothesis testing are NOEC and LOEC. The two hypotheses commonly tested in WET are: Null hypothesis (H_0): The effluent is not toxic. Alternative hypothesis (H_a): The effluent is toxic.
Inhibition Concentration (IC)	A point estimate of the toxicant concentration that would cause a given percent reduction in a non-lethal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., USEPA Interpolation Method). IC25 is a point estimate of the toxicant concentration that would cause a 25% reduction in a non-lethal biological measurement.
Land Application or Land Apply	Spraying or spreading biosolids on the surface of the land, injecting biosolids below the land's surface, or incorporating biosolids into the soil to amend, condition, or fertilize the soil.
Land Treatment Facility	An operation designed to treat and improve the quality of waste, wastewater, or both, by placement wholly or in part on the land surface to perform part or all of the treatment. A land treatment facility includes a facility that performs biosolids drying, processing, or composting, but not land application performed in compliance with 18 A.A.C. 9, Article 10.

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LC50	The toxicant (or effluent) concentration that would cause death in 50 percent of the test organisms.
Limit of Quantitation (LOQ)	The minimum levels, concentrations, or quantities of a target variable such as an analyte that can be reported with a specific degree of confidence. The calibration point shall be at or below the LOQ. The LOQ is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all of the method-specified sample weights, volumes, and processing steps have been followed.
Limit of Detection (LOD)	An analyte and matrix-specific estimate of the minimum amount of a substance that the analytical process can reliably detect with a 99% confidence level. This may be laboratory dependent and is developed according to R9014-615(C)(7).
Method Detection Limit (MDL)	See LOD
Mixing Zone	An area where an effluent discharge undergoes initial dilution and may be extended to cover the secondary mixing in the ambient waterbody. A mixing zone is an allocated impact zone where water quality criteria can be exceeded as long as acutely toxic conditions are prevented.
Monthly or Weekly Average Concentration Limit	Other than for bacteriological testing, means the highest allowable average calculated as an arithmetic mean of consecutive measurements made during calendar month or week, respectively. The "monthly or weekly average concentration limit" for *E. coli* bacteria means the highest allowable average calculated as the geometric mean of a minimum of four (4) measurements made during a calendar month or week, respectively. The geometric mean is the nth root of the product of n numbers. For either method (CFU or MPN), when data are reported as "0" or non-detect then input a "1" into the calculation for the geometric mean.
No Observed Effect Concentration (NOEC)	The highest tested concentration of effluent or toxicant, that causes no observable adverse effect on the test organisms (i.e., the highest concentration of toxicant at which the values for the observed responses are not statistically significant different from the controls).
Point Estimate Techniques	As Probit, Interpolation Method, Spearman-Karber are used to determine the effluent concentration at which adverse effects (e.g., fertilization, growth or survival) occurred. For example, concentration at which a 25 percent reduction in fertilization occurred.
Reference Toxicant Test	A toxicity test conducted with the addition of a known toxicant to indicate the sensitivity of the organisms being used and demonstrate a laboratory's ability to obtain consistent results with the test method. Reference toxicant data are part of the routine QA/QC program to evaluate the performance of laboratory personnel and test organisms.
Runoff	Rainwater, leachate, or other liquid that drains over any part of a land surface and runs off of the land surface.
Significant Difference	Defined as statistically significant difference (e.g., 95% confidence level) in the means of two distributions of sampling results.
Single Concentration Acute Test	A statistical analysis comparing only two sets of replicate observations. In the case of WET, comparing only two test concentrations (e.g., a control and 100% effluent). The purpose of this test is to determine if the 100% effluent concentration differs from the control (i.e., the test passes or fails).

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Submit	Used in this permit, means post-marked, documented by other mailing receipt, or hand-delivered to ADEQ.
Test Acceptability Criteria (TAC)	Specific criteria for determining whether toxicity tests results are acceptable. The effluent and reference toxicant must meet specific criteria as defined in the test method.
Ton	A net weight of 2000 pounds and is known as a short ton.
Total Solids	The biosolids material that remains when sewage sludge is dried at 103° C to 105° C.
Toxic Unit (TU)	A measure of toxicity in an effluent as determined by the acute toxicity units or chronic toxicity units measured. Higher the TUs indicate greater toxicity.
Toxic Unit Acute (TUa)	Is the recirporcal of the discharge concentration that 50 percent of the organisms to die by the end of an acute toxicity test (i.e., TUa = 100/LC50)
Toxic Unit Chronic (TUc)	Is the recirporcal of the discharge concentration that causes no observable effect on the test organisms by the end of a chronic toxicity test (i.e., TUa = 100/NOEC)
Toxicity Identification Evaluation (TIE)	A set of procedures used to identify the specific chemical(s) causing effluent toxicity.
Toxicity Reduction Evaluation (TRE)	A site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.
Toxicity Test	A procedure to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of effect of a specific chemical or effluent on exposed test organisms.
Ten (10)-year, 24-hour Preceipitation Event	Is the maximum 24-hour precipitation event with a probabale reoccurrence interval of once in 10 years as established by the U.S. Departmetn of Commerce, National Oceanic and Atmospheric Adminstration, National Weather Service, or euivalent regional or rainfall probability information.
Whole Effluent Toxicity	The total toxic effect of an effluent measured directly with a toxicity test.

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Appendix B - AZPDES Discharge Flow Record

Resolution Copper Mining LLC – Superior Operations – AZ0020389			
Discharge to Queen Creek in the Middle Gila River Basin At:			
Outfall No:	001		
Location:			
Month:		**Year:**	
Date:	**Flow Duration** [1] **(Total hours per day)**	**Flow Rate** [2] **(Total MGD per day)**	
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
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Comment:			

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Footnotes

1 Total time of discharge in hours per day. If actual time is not available, use an estimate of flow duration.

2 Report flow discharge in MGD. If no discharge occurs on any given day, report 'ND" for the flow for that day.

Appendix B - AZPDES Discharge Flow Record

Resolution Copper Mining LLC – Superior Operations – AZ0020389			
Discharge to Queen Creek in the Middle Gila River Basin At:			
Outfall No:	002		
Location:			
Month:		**Year:**	
Date:	**Flow Duration** [1] **(Total hours per day)**	**Flow Rate** [2] **(Total MGD per day)**	
1			
2			
3			
4			
5			
6			
7			
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Comment:			

Footnotes

1 Total time of discharge in hours per day. If actual time is not available, use an estimate of flow duration.

2 Report flow discharge in MGD. If no discharge occurs on any given day, report 'ND" for the flow for that day.

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Appendix D - Standard AZPDES Permit Conditions & Notifications
(Updated as of February 2, 2004)

1. Duty to Reapply – [R18-9-B904(C)]
   Unless the Permittee permanently ceases the discharging activity covered by this permit, the Permittee shall submit a new application 180 days before the existing permit expires

2. Applications – [R18-9-A905(A)(1)(C) which incorporates 40CFR 122.22]

   a. All applications shall be signed as follows:

      i. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
         A. A president, secretary, treasure, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy-or decision-making functions for the corporation, or

         B. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

      ii. For partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

      iii. For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

   b. All reports required by permits and other information requested by the Director shall be signed by a person described in paragraph (a) of this Section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

      i. The authorization is made in writing by a person described in paragraph (a) of this section;

      ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

      iii. The written authorization is submitted to the Director.

   c. Changes to Authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

   d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

3. Duty to Comply - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(a)(i) and A.R.S. §49- 262, 263.01, and 263.02.]

   a. The Permittee shall comply with all conditions of this permit and any standard and prohibition required under A.R.S. Title 49, Chapter 2, Article 3.1 and A.A.C. Title 18, Chapter 9, Articles 9 and 10. Any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Articles 9 and 10, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.

   b. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which a person discharging under this permit is required to comply.

   c. The Permittee shall comply with the effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulation that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

   d. Civil Penalties. A.R.S. § 49-262(C) provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed $25,000 per day per violation.

   e. Criminal Penalties. Any a person who violates a condition of this permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 9, Articles 9 and 10 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

4. Need to Halt or Reduce Activity Not a Defense – [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(c)]

   It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5. Duty to Mitigate - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(d)]

   The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(e)]

   The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

7. Permit Actions - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

8. Property Rights - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(g)]

   This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Duty to Provide Information - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(h)]

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

10. Inspection and Entry [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(i)]

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

    a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

    b. Have access to and copy, at reasonable times, any records that must be kept under the terms of the permit;

    c. Inspect at reasonable times any facilities, equipment (including monitoring equipment or control equipment), practices or operations regulated or required under this permit; and

    d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Articles 9 and 10, any substances or parameters at any location

11. Monitoring and Records - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(j)]

    a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

    b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application, except for records of monitoring information required by this permit related to the Permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Director at any time.

    c. Records of monitoring information shall include:

       i. The date, exact place and time of sampling or measurements;

       ii. The individual(s) who performed the sampling or measurements;

       iii. The date(s) the analyses were performed;

       iv. The individual(s) who performed the analyses;

       v. The analytical techniques or methods used; and

       vi. The results of such analyses.

d. Monitoring must be conducted according to test procedures specified in this permit. If a test procedure is not specified in the permit, then monitoring must be conducted according to test procedures approved under A.A.C. R18-9-A905(B) including those under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 (for sludge).

e. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both for first conviction. For a second conviction, such a person is subject to a fine of not more than $20,000 per day of violation, or imprisonment for not more than four years, or both.

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which includes the possibility of fines and/or imprisonment.

12. Signatory Requirement - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(k)]

a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22 incorporated at R18-9-A905(A)(1)(c))

b. The CLEAN WATER ACT provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both for a first conviction. For a second conviction, such a person is subject to a fine of not more than $20,000 per day of violation, or imprisonment of not more than four years, or both.

13. Reporting Requirements - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(l)]

a. Planned changes. The Permittee shall give notice to the Director as soon as possible of any planned physical alterations of additions to the permitted facility. Notice is required only when:

i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (incorporated by reference at R18-9-A905(A)(1)(e)); or

ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (incorporated by reference at R18-9-A905(A)(3)(b)).

iii. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

c. Transfers. (R18-9-B905) This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under Arizona Revised Statutes and the Clean Water Act.

d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

i. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

ii. If the Permittee monitors any pollutant more frequently than required by the permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR, or sludge reporting form specified by the Director.

iii. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Twenty-four hour reporting.

i. The Permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

ii. The following shall be included as information which must be reported within 24 hours under this paragraph.

A. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g) which is incorporated by reference at R18-9-A905(A)(3)(a)).

B. Any upset which exceeds any effluent limitation in the permit.

C. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g) which is incorporated by reference at R18-9-A905(A)(3)(d)).

g. Other noncompliance. The Permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

h. Other information. 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, it shall promptly submit such facts or information.

14. Bypass - [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(m)]

a. Definitions

i. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

ii. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

c. Notice.

i. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of bypass.

ii. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in paragraph (f)(2) of section 13 (24-hour notice).

d. Prohibition of bypass.

i. Bypass is prohibited, and the Director may take enforcement action against a Permittee for bypass, unless:

A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

C. The Permittee submitted notices as required under paragraph (c) of this section.

ii. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (d)(1) of this section.

15. Upset - [A.R.S.§§49-255(8) and 255.01(E), R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(n)]

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defenses of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the Permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being properly operated; and

iii. The Permittee submitted notice of the upset as required in paragraph (f)(2) of Section 13 (24-hour notice).

iv. The Permittee has taken appropriate measure including all reasonable steps to minimize or prevent any discharge or sewage sludge use or disposal that is in violation of the permit and that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d).

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d. Burden of proof. In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

16. Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers - [R18-9-A905(A)(3)(b) which incorporates 40 CFR 122.42(a)]

In addition to the reporting requirements under 40 CFR 122.41(l) (which is incorporated at R18-9-A905(A)(3)(a)), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. One hundred micrograms per liter (100 µg/l);

ii. hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

iii. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7) (which is incorporated at R18-9-A905(A)(1)(b)); or

iv. The level established by the Director in accordance with 40 CFR 122.44(f) (which is incorporated at R18-9-A905(A)(3)(d)).

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. Five hundred micrograms per liter (500 µg/l);

ii. One milligram per liter (1 mg/l) for antimony;

iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7)(which is incorporated at R18-9-A905(A)(1)(b));

iv. The level established by the Director in accordance with 40 CFR 122.44(f) (which is incorporated at R18-9-A905(A)(3)(d)).

17. Publicly Owned Treatment Works - [R18-9-A905(A)(3)(b) which incorporates 40 CFR 122.42(b)]

This section applies only to publicly owned treatment works as defined at ARS § 49-255(5).

a. All POTW's must provide adequate notice to the Director of the following:

i. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the CLEAN WATER ACT if it were directly discharging those pollutants; and

ii. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

iii. For the purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharge from the POTW.

Publicly owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR 270. Hazardous wastes are defined at 40 CFR 261 and include any mixture containing any waste listed under 40 CFR 261.31 - 261.33. The Domestic Sewage Exclusion (40 CFR 261.4) applies only to wastes mixed with domestic sewage in a sewer leading to a publicly owned

treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.

18. Reopener Clause - [R18-9-A905(A)(3)(d) which incorporates 40 CFR 122.44(c)]
This permit shall be modified or revoked and reissued to incorporate any applicable effluent standard or limitation or standard for sewage sludge use or disposal under sections 301(b)(2)(C), and (D), 304(b)(2), 307(a)(2) and 405(d) which is promulgated or approved after the permit is issued if that effluent or sludge standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant or sludge use or disposal practice not limited in the permit.

19. Privately Owned Treatment Works - [R18-9-A905(A)(3)(d) which incorporates 40 CFR 122.44]

This section applies only to privately owned treatment works as defined at 40 CFR 122.2.

a. Materials authorized to be disposed of into the privately owned treatment works and collection system are typical domestic sewage. Unauthorized material are hazardous waste (as defined at 40 CFR Part 261), motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers, industrial wastes, or other materials not generally associated with toilet flushing or personal hygiene, laundry, or food preparation, unless specifically listed under "Authorized Non-domestic Sewer Dischargers" elsewhere in this permit.

b. It is the Permittee's responsibility to inform users of the privately owned treatment works and collection system of the prohibition against unauthorized materials and to ensure compliance with the prohibition. The Permittee must have the authority and capability to sample all discharges to the collection system, including any from septic haulers or other unsewered dischargers, and shall take and analyze such samples for conventional, toxic, or hazardous pollutants when instructed by the permitting authority. The Permittee must provide adequate security to prevent unauthorized discharges to the collection system.

c. Should a user of the privately owned treatment works desire authorization to discharge non-domestic wastes, the Permittee shall submit a request for permit modification and an application, pursuant to 40 CFR 122.44(m), describing the proposed discharge. The application shall, to the extent possible, be submitted using ADEQ Forms 1 and 2C, unless another format is requested by the permitting authority. If the privately owned treatment works or collection system user is different from the Permittee, and the Permittee agrees to allow the non-domestic discharge, the user shall submit the application and the Permittee shall submit the permit modification request. The application and request for modification shall be submitted at least 6 months before authorization to discharge non-domestic wastes to the privately owned treatment works or collection system is desired.

20. Transfers by Modification - [R18-9-B905]

Except as provided in section 21, a permit may be transferred by the Permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made under R18-9-B906, to identify the new Permittee and incorporate such other requirements as may be necessary.

21. Automatic Transfers [R18-9-B905]

An alternative to transfers under section 20, any AZPDES permit may be automatically transferred to a new Permittee if:

a. The current Permittee notifies the Director at least 30 days in advance of the proposed transfer date;

b. The notice includes a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The Director does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under R18-9-B906(B).

22. Minor Modification of Permits [R18-9-B906(B)]

Upon the consent of the Permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following public notice procedures under R18-9-A907 or A908. Minor modifications may only:

a. Correct typographical errors;

b. Update a permit condition that changed as a result of updating an Arizona water quality standard;

c. Require more frequent monitoring or reporting by the Permittee;

d. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

e. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in their permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittee has been submitted to the Director.

f. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation prior to discharge under 40 CFR 122.29 (which is incorporated by reference in R18-9-A905(A)(1)(e)).

g. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with the permit limits.

h. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 and 403.18 as enforceable conditions of the POTW's permit.

i. Annex an area by a municipality.

23. Termination of Permits - [R-9-B906(C)]

The following are causes for terminating a permit during its term, or for denying a permit renewal application:

a. Noncompliance by the Permittee with any condition of the permit;

b. The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the Permittee's misrepresentation of any relevant facts at any time;

c. A determination that the permitted activity endangers human health or the environment and can only by regulated to acceptable levels by permit modification or termination; or

d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit (for example, a plant closure or termination of discharge by connection to a POTW).

24. Availability of Reports - [Pursuant to A.R.S § 49-205]

Except for data determined to be confidential under A.R.S § 49-205(A), all reports prepared in accordance with the terms of this permit shall be available for public inspection at ADEQ offices. As required by A.R.S. § 49-205(B) and (C), permit applications, permits, and effluent data shall not be considered confidential.

25. Removed Substances - [Pursuant to Clean Water Act Section 301]

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

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26. Severability - [Pursuant to A.R.S § 49-324(E)]
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 remainder of this permit, shall not be affected thereby.

27. Civil and Criminal Liability - [Pursuant to A.R.S § 49-262, 263.01, and 263.02]

Except as provided in permit conditions on "Bypass" (Section 14) and "Upset" (Section 15), nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance.

28. Oil and Hazardous Substance Liability - [Pursuant to Clean Water Act Section 311].

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

29. State or Tribal Law - [Pursuant to R 18-9-A904 (C)].
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

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