M/045/017

State of Utah
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

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DOGM
MINERALS PROGRAM
FILE COPY

July 10, 1990

Certified Mail
(Return Receipt Requested)

Mr. Glen Eurick
Environmental Affairs Coordinator
Barrick Mercur Gold Mine
Tooele, Utah 84074

RE: Final Ground Water Quality Discharge Permit No. UGW450001

Dear Mr. Eurick:

Attached is a copy of the final permit issued effective on the date indicated. A combined administrative charge for the issuance of the construction and discharge permit will be sent under separate cover. The permit should be reviewed for compliance milestones, monitoring and reporting requirements.

Should you have any questions or comments please call Loren Morton at 538-6146.

Sincerely,

Utah Water Pollution Control Committee

Don A. Ostler, P.E.
Executive Secretary

Enclosures

cc: Terry Vandell - Dames & Moore
Wayne Hedberg - DOGM
Matt Trujillo - Tooele County Health Dept.

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Q:Barfinal.MEM

Permit No.: UGW450001

STATE OF UTAH
BUREAU OF WATER POLLUTION CONTROL
UTAH WATER POLLUTION CONTROL COMMITTEE
P.O. BOX - 16690
SALT LAKE CITY, UTAH 84116-0690

Ground Water Quality Discharge Permit

In compliance with the provisions of the Utah Water Pollution Control Act, Title 26, Chapter 11, Utah Code Annotated 1953, as amended,

Barrick Resources (USA) Inc.
Mercur Mine
P.O. Box 838
Tooele, Utah 84074

is granted a Ground Water Quality Discharge Permit for Dump Leach No. 3 located at latitude 40° 20' 00" North, longitude 112° 12' 30" West in accordance with conditions set forth herein.

This permit shall become effective on July 10th, 1990

This permit and the authorization to operate shall expire at midnight, July 10th 1995

Signed this 10th day of July, 1990

Executive Secretary
Water Pollution Control Committee

TABLE OF CONTENTS

CONTENTS | Page

I. SPECIFIC CONDITIONS 1

A. Ground Water Classification 1
B. Background Ground Water Quality 1
1. Background for Existing Monitoring Wells 1
2. Background for Additional Compliance Monitoring Wells 1
C. Ground Water Protection Levels 1
1. Protection Levels for Existing Wells 1
2. Protection Levels for Additional Compliance Monitoring Wells 1
D. Best Available Technology Standard 3
1. No Discharge Technology 3
2. Authorized Design and Construction 3
3. Process Pool Head Restriction 3
4. Spill Containment 3
5. Leakage Collected 3
E. Compliance Monitoring 4
1. Compliance Monitoring Method 4
2. Compliance Monitoring Wells 4
3. Future Modification of the Monitoring Well Network 4
4. Noncompliance with the Protection Levels 5
5. Compliance Monitoring Period 5
6. Monitoring Frequency 5
7. Quarterly Monitoring Requirements 5
8. Post-Closure Monitoring 6
F. Non-Compliance Status 6
1. Probable Out-of-Compliance Status 6
2. Out-of-Compliance Status 7
G. Reporting Requirements 7
1. Quarterly Monitoring 7
2. Water Level Measurements 8
3. Ground Water Quality Sampling 8
4. Observation of the Leakage Collection Tank 8
5. Process Pool Monitoring 8
6. Spill Reporting 8
7. Post-Closure Monitoring 8
H. Compliance Schedule 9
1. Q.A./Q.C. Ground Water Monitoring Plan 9
2. Contingency Plan 9
3. Dump No. 3 Site Hydrogeologic Report 9
4. Monitoring Well Requirements 10
5. Accelerated Background Sampling 11
6. Conceptual Closure Plan 12
7. Anticipated Date of Closure 12
8. Conceptual Post-Closure Monitoring Plan 12
9. Notice of Final Dump Leach Construction and Commencement of Operation 12

CONTENTS Page

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS 13

A. Representative Sampling. 13
B. Analytical Procedures. 13
C. Penalties for Tampering. 13
D. Reporting of Monitoring Results 13
E. Compliance Schedules 13
F. Additional Monitoring by the Permittee 13
G. Records Contents 13
H. Retention of Records 14
I. Twenty-four Hour Notice of Noncompliance Reporting 14
J. Other Noncompliance Reporting 14
K. Inspection and Entry 14

III. COMPLIANCE RESPONSIBILITIES 16

A. Duty to Comply 16
B. Penalties for Violations of Permit Conditions 16
C. Need to Halt or Reduce Activity not a Defense 16
D. Duty to Mitigate 16
E. Proper Operation and Maintenance 16

IV. GENERAL REQUIREMENTS 17

A. Planned Changes 17
B. Anticipated Noncompliance 17
C. Permit Actions 17
D. Duty to Reapply 17
E. Duty to Provide Information 17
F. Other Information 17
G. Signatory Requirements 17
H. Penalties for Falsification of Reports 18
I. Availability of Reports 18
J. Property Rights 19
K. Severability 19
L. Transfers 19
M. State Laws 19
N. Reopener Provision 19

I. SPECIFIC CONDITIONS

A. Ground Water Classification

Based on ground water quality data submitted by the permit applicant, ground water at the site is defined as Class II.

B. Background Ground Water Quality

1. Background for Existing Monitoring Wells - Based on the chemical characteristics of pregnant liquor from the existing Dump Leach No. 2, and existing ground water quality data from two monitoring wells at the Dump 3 site, background quality for wells MW-10 and MW-11 is defined in Table 1.

2. Background for Additional Compliance Monitoring Wells - After completion of additional compliance monitoring wells in accordance with Part I E (2), Barrick shall determine background ground water quality in compliance with the Accelerated Background Sampling requirements of Part I H (5), below.

C. Ground Water Protection Levels

1. Protection Levels for Existing Wells - Ground water quality at the existing monitoring wells MW-10 and MW-11 shall not exceed the ground water protection levels, defined in Table 1.

2. Protection Levels for Additional Compliance Monitoring Wells - after completion of additonal compliance monitoring wells in accordance with Part I E (2), this permit maybe modified by the Executive Secretary.

Table 1

Parameter	Monitoring Well MW-11 Background Quality (mg/l)	Monitoring Well MW-11 Protection Levels (mg/l)	Monitoring Well MW-10 Background Quality (mg/l)	Monitoring Well MW-10 Protection Levels (mg/l)
pH	7.94 units	6.5-8.5 units	7.35	6.5-8.5 units
Flouride	0.86	1.07[b]	0.91	1.13[b]
Nitrate (as N)	2.64	3.3[b]	2.22	2.77[b]
Arsenic	0.01[a]	0.012[c]	0.01[a]	0.012[c]
Barium	0.036	0.25[c]	0.035	0.25[c]
Cadmium	0.01[a]	0.01[d]	0.01[a]	0.01[d]
Chromium	0.01[a]	0.012[c]	0.01[a]	0.012[c]
Copper	0.01	0.25[c]	0.014	0.25[c]
Cyanide (total)	0.002[d]	0.05[e]	0.0043	0.05[e]
Lead	0.01[a]	0.012[c]	0.01[a]	0.012[c]
Mercury	0.0002[a]	0.0005[c]	0.0002[a]	0.0005[c]
Nickel	0.03	0.037[e]	0.0375	0.046[g]
Selenium	0.002[a]	0.0025[c]	0.002[a]	0.002[c]
Silver	0.01[a]	0.012[c]	0.01[a]	0.012[c]
Zinc	0.162	1.25[c]	0.147	1.25[c]
Total Dissolved Solids	612	765[b]	1180	1475

Footnotes:

(a) Reported detection limit
(b) 1.25 x background
(c) 0.25 x g.w. quality standard
(d) Based on reported detection limit, however because it was equal to the g.w. quality standard, the background value and protection level may be modified later in accordance with Part I E (6)(b)(2)(ii) and Part IV of this permit.
(e) 0.25 x EPA D.W. Health Advisory (0.2 mg/l)
(f) Average of 2 samples
(g) 1.25 x background (EPA D.W. Health Advisory = 0.15 mg/l)

D. Best Available Technology Standard

1. No Discharge Technology - the facility as designed will incorporate no-discharge technology through the use of a composite liner consisting of a synthetic flexible membrane/clay/synthetic flexible membrane liner system.

2. Authorized Design and Construction - the dump leach is limited to one cell approximately 1,700 feet long and 750 feet wide, for the cyanide leaching of sub-ores from the Mercur Mine. Construction of Dump No. 3 shall be in accordance with the requirements of the Construction Permit issued by the Executive Secretary with the following explicit requirements:

   a) The clay secondary liner shall be at least 3 feet thick below the permanent process pool.

   b) The clay secondary liner shall have a hydraulic conductivity no greater than 1.0×10^{-7} cm/sec at any point.

3. Process Pool Head Restriction - at no time during operation of the facility will the head of the pregnant liquor in the process pool exceed 30 feet above the lowest point on the uppermost flexible membrane liner.

4. Spill Containment - Barrick shall design and construct all pipelines, storage tanks, and carbon columns with a spill containment system that shall:

   a) Prevent any spills or leakage from any contact with the ground surface or ground water.

   b) Convey all spills or leakage to the lined impoundment of Dump Leach No. 3 or other containment mechanisms approved by the Executive Secretary.

   Affected structures of the facility include: reclaim water pipeline, leakage collection return pipeline, barren and pregnant solution pipelines, barren solution tank, caustic storage tank, descalant tank, carbon columns, and any associated pipeage, valves, pumps or other ancilliary equipment. The design and construction of the spill containment systems shall meet the requirements of the Construction Permit to be issued by the Executive Secretary.

5. Leakage Collected - any fluid collected in the leakage collection system shall be contained and returned to the Dump Leach No. 3 process circuit. In no case shall any leakage collection system fluids be discharged in a manner that is not in accordance with applicable State or Federal regulations. Any fluid collected shall be monitored in accordance with Part I E 6(c), below.

E. Compliance Monitoring

1. Compliance Monitoring Method - compliance monitoring shall be accomplished by the use downgradient compliance monitoring wells and the use of control charts for intr-well comparisions in accordance with an EPA document entitled "Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities", February, 1989. Any other compliance monitoring or statistical method used by Barrick must receive prior approval from the Executive Secretary.

2. Compliance Monitoring Wells - Barrick shall install ground water monitoring wells to determine compliance with the requirements of this permit, in accordance with the following requirements:

   a) The wells shall be hydrologically downgradient of Dump Leach No. 3, as determined by the Hydrogeologic Report required in Part I H 3, below.

   b) Each well shall be completed exclusively in the uppermost aquifer. If more than one uppermost aquifer exists at the site, compliance monitoring wells will be installed into each uppermost aquifer.

   c) Each well shall be as close as practical to the dump leach.

   d) Each well shall be completed in the pathway(s), i.e., vertical zones and horizontal locations where potential leakage from the dump leach will migrate.

   e) The total number and location of compliance monitoring wells will be determined based on the hydrogeologic characteristics of the site, including the number of aquifers, the number and location of potential contaminant migration pathways, dispersion, etc.

   f) The compliance monitoring well network shall be complete and approved by the Executive Secretary before application of lixiviant on subore in the dump leach.

   g) Compliance monitoring can only be from monitoring wells that will be constructed in conformance with Part I H 4, below. Noncompliance with this section or the well construction provisions (Part I H 4) will be considered a failure to monitor.

3. Future Modification of the Monitoring Well Network - if at any time the Executive Secretary determines the monitoring well network to be inadequate, Barrick shall submit within 30 days of receipt of notification, a plan and compliance schedule to modify the monitoring well network.

4. Noncompliance with the Protection Levels - any exceedance of the protection levels at any downgradient compliance monitoring well shall constitute noncompliance with this permit and may subject the permittee to enforcement action.

5. Compliance Monitoring Period - monitoring shall commence upon completion of the monitoring systems required by this permit, and shall continue through the life of the permit.

6. Monitoring Frequency - measurements or analysis done for monitoring will be conducted in compliance with Part I E 6, below, and reported to the Executive Secretary as per the requirements of Part I G.

7. Quarterly Monitoring Requirements

   a) Water Level Measurements - water level measurements shall be made quarterly in each monitoring well prior to any collection of ground water samples. These measurements will be made from a permanent single reference point clearly demarcated on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot.

   b) Ground Water Quality Sampling - grab samples of ground water from both upgradient and downgradient monitoring wells will be collected for chemical analysis on a quarterly basis, in conformance with a Q.A./Q.C. Ground Water Monitoring Plan that has been approved by the Executive Secretary (Part I H 1, below).

      1) Analysis by Certified Laboratories - analysis of any ground water sample shall be performed by laboratories certified by the State Health Laboratory.

      2) Ground Water Analytical Methods - methods used to analyze ground water samples must comply with the following:

         i) Are methods cited in UAC R448-6-6.3A(13), and

         ii) Have detection limits which are less than the ground water protection levels found in Part I C, Table 1. In the case of cadmium, cyanide (total) and nickel, the detection limits shall be less than or equal to 0.002 mg/l, 0.02 mg/l and 0.015 mg/l, respectively.

      3) Analysis Parameters - the following analyses will be conducted on all ground water samples collected:

         i) Field Parameters - pH, temperature, and specific conductance

ii) Laboratory Parameters - including:

- Major Anions and Cations: Chloride, Sulfate, Carbonate, Bicarbonate, Sodium, Potassium, Magnesium and Calcium.
- Protection Level Parameters - found in Part I C, above.
- Weak Acid Dissociable Cyanide
- Cyanide Degradation Products, including: ammonia and nitrite.
- Other parameters of potential concern, including: thallium.

c) Leakage Collection System Monitoring

1) Observation - visual observation of the leakage collection tank will be conducted daily to determine the presence of fluids.

2) Sampling if Fluids Present - if fluids are observed in the leakage collection tank, the permittee will collect samples of the fluid for chemical analysis on a quarterly basis. Sample collection shall conform to the approved Q.A./Q.C. Ground Water Monitoring Plan in Part I H 1, below. Analysis parameters shall be the same as those required for ground water monitoring in Part I E 6(b)(3), above. These fluids will be managed as per the requirements of Part I D 4, above.

d) Process Pool Monitoring - Barrick shall monitor the level of the pregnant liquor in the production cistern on a daily basis. These measurements shall be made from a single reference point of known elevation at the top of the production cistern. All measurements will be made to nearest 0.1 foot.

8. Post-Closure Monitoring - post-closure monitoring shall conform to the requirements of an approved Post-Closure Monitoring Plan (Permit Part I H 8).

F. <u>Non-Compliance Status</u>

1. Probable Out-of-Compliance Status - Barrick shall evaluate the results of each round of ground water sampling and analysis to determine any exceedance of the ground water protection levels found in Part I C, above. Upon determination by the Barrick that a ground water protection level has been violated at any downgradient compliance monitoring well, Barrick shall:

a) Immediately resample all the monitoring wells, submit the analytical results thereof, and notify the Executive Secretary of the probable out-of-compliance status within 30 days of the initial detection.

b) Immediately implement an accelerated schedule of monthly ground water sampling and analysis, consistent with the requirements Part I E 6(b) of this permit. This monthly sampling will continue for at least two months or until the compliance status can be determined by the Executive Secretary. Reports of the results of this sampling will be submitted to the Executive Secretary as soon as they are available, but not later than 30 days from each date of sampling.

2. Out-of-Compliance Status

a) Notification and Accelerated Monitoring - upon determination by the permittee, in accordance with UAC R448-6-6.17, that an out-of-compliance status exists, the permittee shall:

1) Verbally notify the Executive Secretary of the out-of-compliance status within 24 hours, and provide written notice within 5 days of the detection, and

2) Immediately implement an accelerated schedule of monthly ground water monitoring which shall continue for at least two months or until the facility is brought into compliance.

b) Source and Contamination Assessment Study Plan - within 30 days of the verbal notice to the Executive Secretary required in Part I F 2(a), above, the permittee shall submit an assessment study plan and compliance schedule for:

1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.

2) Assessment of the extent of the ground water contamination and any potential dispersion.

3) Evaluation of potential remedial actions to restore and maintain ground water quality, and ensure that the ground water standards will not be exceeded at the downgradient compliance monitoring wells.

G. Reporting Requirements

1. Quarterly Monitoring - monitoring required in Part I E 6, above, shall be reported according to the following schedule, unless modified by the Executive Secretary:

Quarter		Report Due On
1st	(Jan., Feb., March)	April 15
2nd	(April, May, June)	July 15
3rd	(July, Aug., Sept.)	October 15
4th	(Oct., Nov., Dec.)	January 15

2. Water Level Measurements - water level measurements from ground water monitoring wells will be reported in both measured depth to ground water and ground water elevation above mean sea level.

3. Ground Water Quality Sampling - reporting will include:

   a) Field Data Sheets - or copies thereof, including the field measurements, required in Part I E 6 (b)(3), above, and other pertinent field data, such as: well name/number, date and time, names of sampling crew, type of sampling pump or bail, measured casing volume, volume of water purged before sampling.

   b) Results of Ground Water Analysis - including date sampled, date received; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.

4. Observation of the Leakage Collection Tank - reporting will include:

   a) Presence or absence of fluid

   b) Volume or flow rate of fluid observed in the tank, if present.

   c) Results of sampling and analysis of collected leachate fluids. The report of these results will meet the same requirements for ground water samples in Part I G 3, above.

   d) The fate or current disposition of the fluids in the tank.

5. Process Pool Monitoring - reporting will include:

   a) Number of measurements made during the quarter.

   b) Minimum, maximum, and average values in both feet of elevation above mean sea level and feet of head above the lowest point on the uppermost flexible membrane liner.

6. Spill Reporting - Barrick shall report as per UCA 26-11-15 any spill or leakage which is not totally contained by a collection system in compliance with Part II I of this permit.

7. Post-Closure Monitoring - reporting of post-closure monitoring shall comply with the requirements of an approved Post-Closure Monitoring Plan (Part I H 9).

H. Compliance Schedule

1. Q.A./Q.C. Ground Water Monitoring Plan - Barrick will modify the Q.A./Q.C. Ground Water Monitoring plan submitted with the permit application (Appendix C), in accordance with Executive Secretary comments dated March 20, 1990 (Attachment 2) and resubmit within 30 days for Executive Secretary approval. After approval the plan shall become an enforceable appendix to this permit.

2. Contingency Plan - Barrick will submit a Contingency Plan for Executive Secretary approval within 60 days of the effective date of this permit. Under no condition will subore be placed in the dump leach without prior Executive Secretary approval of the Contingency Plan. This Contingency Plan must include actions to immediately stop or abate the discharge of fluids, and bring the facility back into compliance with the Ground Water Protection Levels of Part I C of this permit. This plan must include steps such as:

   a) Immediate cessation of operation.

   b) Removal of all fluids in the dump leach as rapidly as possible.

   c) Installation of pumping wells to recover the contaminants released, and to regain and maintain the ground water protection levels (Part I C) at the compliance monitoring wells.

   d) Neutralization and closure of the dump leach.

   e) Other actions that will immediately prevent leachates from leaving the dump leach.

3. Dump No. 3 Site Hydrogeologic Report - Barrick shall complete a site specific hydrogeologic investigation at the Dump No. 3 Site and submit a hydrogeologic report within 30 days of the effective date of this permit. This report must receive Executive Secretary approval before any application of lixiviant onto the subore in the dump leach. The report shall justify how the design of the ground water monitoring well network meets or will meet the requirements of Part I E (2). If the report fails to meet these requirements, the Executive Secretary will require additional wells and study(s), in the order to adequately define the pathway(s) of any potential contaminant release and construct a viable ground water monitoring well network. The hydrogeologic report must include at least the following:

   a) Hydrostratigraphic Description - a geologic description of each geologic formation, member, or unit at the site and its individual hydrologic characteristics, including: saturation, porosity, hydraulic conductivity and hydraulic conductivity isotropy. Where pertinent, other geologic features must also be described including faults, joints, and other fractures. The description must also concisely describe which formations, members, and/or units behave as aquifers or aquitards.

J. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

K. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

L. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Executive Secretary at least 30 days in advance of the proposed transfer date;

2. 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,

3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

M. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 26-11-19 of the Act.

N. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. If new ground water standards are adopted by the Committee, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R448-6.4(D)

2. Changes have been determined in background ground water quality.

Q:BARRICK3.PER

b) Geologic Map - illustrating surface outcrops, extent, and attitude of geologic formations, members, units and other pertinent stratigraphic and structural features consistent with USGS nomenclature and map standards. This map must be superimposed on a topographic base map at a scale of at least 1:2400 (1"=200') or other scale approved by the Executive Secretary, and must be inclusive of the Dump Leach No. 3 site and pertinent vicinity. This map must illustrate all pertinent man-made features, including wells and the dump leach; and also illustrate the strike of the hydrogeologic cross-sections required below.

c) Potentiometric Map - at the same scale as the geologic map required above and consistent with accepted standards and practices, the potentiometric map must illustrate the ground water table elevation of each uppermost aquifer beneath the Dump Leach No. 3 site. Water level elevations measured from wells or springs will be shown and contoured on the map. Direction(s) of hydraulic gradient will also be displayed on the map for each aquifer. Known contours will be distinguished from suspected or inferred contours. Other pertinent geologic, hydrologic, or man-made features will also be displayed, including the location of all existing monitoring wells.

d) Hydrogeologic Cross-Sections - at the same horizontal scale as the Geologic and Potentiometric Maps required above, and consistent with accepted standards and practices, at least two (2) hydrogeologic cross-sections will be prepared; one parallel to and along the major direction of hydraulic gradient, and the second at right angles to the first. If more than one aquifer exists at the site, a set of two (2) hydrogeologic cross-sections will be prepared for each aquifer. The cross-sections will depict the subsurface expression of data illustrated on the Geologic and Potentiometric Maps required above, including geologic formations and features, hydraulic gradient, the profile of the bottom liner of the dump leach and the location and depths of the upgradient and downgradient compliance monitoring wells.

e) Hydrogeochemical Description - ground water chemistry data from the monitoring wells and/or nearby springs will be presented to support any interpretations provided on or in the required maps and descriptions above. These analyses shall include the major cations and anions (see Part I E 6(b)(3)(ii), above) and may include other distinctive parameters or environmental isotopes. All hydrochemical facies identified and all analytical data used in this evaluation must be keyed to the Potentiometric Map required, above.

4. Monitoring Well Requirements

a. Construction Requirements - Monitoring well construction shall conform to the criteria found in the EPA RCRA Ground Water Monitoring Technical Enforcement Guidance Document, 1986, OSWER-9950.1 (RCRA TEGD).

b. Monitoring Well As-Built Report - diagrams and description describing the final completion of the monitoring wells shall be submitted within 30 days of well construction. This report will include:

1) Casing: depth, diameter, type of material

2) Screen: length, depth interval, diameter, material type, slot size

3) Sand Pack: depth interval, material type and grain size

4) Annular Seals: depth interval, material type

5) Surface Casing(s) and Cap: depth, diameter, material type

6) Elevation: ground surface and elevation of water level measuring point in feet above mean sea level.

5. Accelerated Background Sampling - ground water quality samples will be collected and analyzed from the upgradient background monitoring well(s) required in Part I H 5, above, in compliance with the following requirements:

a) Samples will be collected twice per month beginning within 30 days of well completion

b) Each sampling event or episode will include independent grab samples.

c) Sampling parameters will include those required in Part I E 6(b)(3) of this permit.

d) Sampling will continue fore each compliance monitoring well for at least one year following well completion. After Executive Secretary approval sampling will be relaxed to single grab samples as per the requirements of Part I E 6(b), above.

e) Sampling methods will conform to the approved Q.A./Q.C. Ground Water Monitoring Plan required in Part I H 1, above. Analytical methods will conform to the requirements of Part I E 6(b)(2).

f) The results of this sampling will be reported to the Executive Secretary on a monthly basis after completion of each compliance monitoring well. Reporting requirements thereof shall comply with Part I G (2) and (3) above.

g) Barrick shall submit a Background Ground Water Quality Report for each compliance monitoring well, summarizing the results of this sampling within 30 days of the completion of the one year sampling required in Part I H 6(d), above. This report will provide the following data for each required parameter:

1) Value or concentration

2) Arithmetic mean ($\bar{x}$)

3) Variance (s^2) or standard deviation (s)

Based on this information, the Executive Secretary may modify the ground water protection levels in Part I C of this permit.

6. Conceptual Closure Plan - In coordination with the requirements of other regulating agencies, Barrick will modify the Closure and Reclamation Procedures submitted in the Dump Leach No. 3 Design Document (February, 1990, p.34), to address comments provided by the Bureau of Water Pollution Control in a letter of May 7, 1990. Barrick shall submit the modified document as a Conceptual Closure Plan for Executive Secretary approval within 60 days of the effective date of this permit. This plan will form the basis for a final closure plan that will be prepared by Barrick at a date more imminent to closure.

7. Anticipated Date of Closure - in order to establish a schedule by which to finalize the closure plan Barrick shall disclose the anticipated date of closure for Dump Leach No. 3 to the Executive Secretary upon application for permit renewal (6 months before permit expiration).

8. Conceptual Post-Closure Monitoring Plan - In coordination with the requirements of other regulating agencies, Barrick shall submit within 60 days of the effective date of this permit a conceptual plan for monitoring the dump leach after cessation of operations and closure, for Executive Secretary approval. This plan must be consistent with guidance provided by the Bureau of Water Pollution Control in a letter of May 7, 1990, and will form the basis of a final plan to be formulated by Barrick at the time of closure.

9. Notice of Final Dump Leach Construction and Commencement of Operation - within 30 days of the final completion of dump leach construction the permittee will notify the Executive Secretary in writing that the construction has been completed and operation is underway.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.

B. Analytical Procedures. Water sample analysis must be conducted according to test procedures specified under UAC R448-6.3.A.13, unless other test procedures have been specified in this permit.

C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under 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 six months per violation, or by both.

D. Reporting of Monitoring Results. Monitoring results obtained during each reporting period specified in the permit, shall be submitted to the Executive Secretary, Utah Bureau of Water Pollution Control at the following address no later than the 15th day of the month following the completed reporting period:

Utah Department of Health
Bureau of Water Pollution Control
P.O. Box 16690
Salt Lake City, Utah 84116-0690
Attention: Compliance and Monitoring Program

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. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.

G. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements:
2. The individual(s) who performed the sampling or measurements;
3. The date(s) and time(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and,
6. The results of such analyses.

H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and 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 three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Division of Environmental Health 24 hour number, (801) 538-6333, or to the Bureau of Water Pollution Control, Ground Water Protection Section at (801) 538-6146, during normal business hours (8:00 am - 5:00 pm Mountain Time).

2. A written submission shall also be provided to the Executive Secretary within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times;

   c. The estimated time noncompliance is expected to continue if it has not been corrected; and,

   d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. Reports shall be submitted to the addresses in Part II D, Reporting of Monitoring Results.

J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II D are submitted.

K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. 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 the permit;

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

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

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of the Water Pollution Control Committee of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding $25,000 per day of violation. Any person convicted under Section 26-11-16(2) of the Act a second time shall be punished by a fine not exceeding $50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense. 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.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance. 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 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.

IV. GENERAL REQUIREMENTS

A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.

B. Anticipated Noncompliance. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. Permit Actions. 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.

D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.

E. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary 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 Executive Secretary, upon request, copies of records required to be kept by this permit.

F. Other Information. When 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 any report to the Executive Secretary, it shall promptly submit such facts or information.

G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.

1. All permit applications shall be signed as follows:

   a. For a corporation: by a responsible corporate officer;

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

   c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,

   b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, 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.)

3. Changes to Authorization. If an authorization under Part IV G 2. 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 Part IV G 2. must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under 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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the 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."

H. Penalties for Falsification of Reports. The 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 noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. Availability of Reports. Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Executive Secretary. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.