

APPENDIX C

OTHER PERMITS

NPDES #NM0028100

NPDES # NMR05GB27

SOURCE MATERIAL LICENSE SO043

SPECIAL USE PERMIT MOT 220

SOLID WASTE LANDFILL REGISTRATION



Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

NPDES Permit No. **NM0028100**

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended,
(33 U.S.C. 1251 et. seq; the "Act"),

Rio Grande Resources Corporation

P.O. Box 1150

Grants, NM 87020

is authorized to discharge from Mt. Taylor Mine located in San Mateo, Cibola County, New Mexico, through an outfall located in McKinley County

to receiving water named unnamed arroyo to San Miguel Creek, thence to Arroyo Chico, thence to Rio Puerco, and thence to Rio Grande in Waterbody Segment No. 20.6.4.105 of Rio Grande Basin, from

Outfall 001: Latitude: 35° 24' 00", Longitude: 107° 38' 24"

in accordance with this cover page and effluent limitations, monitoring requirements, and other conditions set forth in Parts I [Requirements for NPDES Permits], II [Other Conditions], and III [Standard Conditions for NPDES Permits] hereof.

This permit supersedes and replaces NPDES Permit No. NM0028100 issued on March 30, 2005.

This permit shall become effective on August 1, 2010

This permit and the authorization to discharge shall expire at midnight, July 31, 2015

Issued on July 28, 2010

Prepared by

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PART I – REQUIREMENTS FOR NPDES PERMITS

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS

1. Outfalls 001

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.6	9.0	1/Day	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	STORET CODE	30-Day Avg	Daily Max	30-Day Avg	Daily Max	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	***	***	Continuous	Totalizing Meter
Total Suspended Solids	00530	N/A	N/A	20	30	1/Day	Grab
Chemical Oxygen Demand	00340	N/A	N/A	100	125	1/Day	Grab
Ra226 (dissolved)	09503	N/A	N/A	3 pCi/l	10 pCi/l	1/Day	Grab
Total Ra226	09501	N/A	N/A	10 pCi/l	30 pCi/l	1/Day	Grab
Total Ra226+Ra228	11503	N/A	N/A	20 pCi/l	30 pCi/l	1/Day	Grab
Total Uranium	22706	N/A	N/A	2.0	4.0	1/Day	Grab
Total Zinc	01092	N/A	N/A	0.5	1.0	1/Day	Grab
Total Aluminum	01105	N/A	N/A	3.3	5.0	1/Day	Grab
Total Boron	01022	N/A	N/A	0.5	0.75	1/Day	Grab
Total Cadmium	01027	N/A	N/A	0.06	0.1	1/Day	Grab
Total Chromium	01034	N/A	N/A	0.32	0.48	1/Day	Grab
Total Cobalt	01037	N/A	N/A	0.033	0.05	1/Day	Grab
Total Copper	01042	N/A	N/A	0.35	0.53	1/Day	Grab

Total Mercury	71900	N/A	N/A	0.51 µg/l	0.77 µg/l	1/Day	Grab
Total Molybdenum	01062	N/A	N/A	0.67	1.0	1/Day	Grab
Total Selenium	01147	N/A	N/A	3.3 µg/l	5.0 µg/l	1/Day	Grab
Total Vanadium	01087	N/A	N/A	0.067	0.1	1/Day	Grab
Total Alpha	80029	N/A	N/A	10 pCi/l	15 pCi/l	1/Day	Grab
E. coli	51040	N/A	N/A	126 cfu/100 ml	410 cfu/100 ml	1/Day	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING (*1) (48-Hour Static Renewal)	30-DAY AVG MINIMUM	48-HR MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Daphnia pulex	Report	Report	1/3 Months (*1)	24-Hr Composite

Footnotes:

*1 Monitoring frequency 1/3-month for the 1st year of the permit. If all tests pass, reduce the frequency to 1/6-month for years 2 – 5, and resume the frequency of 1/3-month on the last day of the permit. If any test fails during the period of the permit, return the frequency to 1/3-month for the remainder of the permit.

SAMPLING LOCATION(S)

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfalls 001.

2. Inter Outfalls 01A

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge treated sanitary wastewater from Inter Outfall 01A. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.0	9.0	1/Day	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	STORET CODE	30-Day Avg	Daily Max	30-Day Avg	Daily Max	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	N/A	N/A	Continuous	Totalizing Meter
Total Suspended Solids	00530	N/A	N/A	30	45	1/Day	Grab
BOD	00310	N/A	N/A	30	45	1/day	Grab

SAMPLING LOCATION(S)

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): after the last treatment unit prior to co-mingling with other waste sources.

FLOATING SOLIDS OR VISIBLE FOAM

There shall be no discharge of oils, scum, grease and other floating materials that would cause the formation of a visible sheen or visible deposits on the bottom or shoreline, or would damage or impair the normal growth, function or reproduction of human, animal, plant or aquatic life.

NO DISCHARGE REPORTING

If there is no discharge event at this outfall during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the preprinted Discharge Monitoring Report.

B. REPORTING OF MONITORING RESULTS

Monitoring information shall be on Discharge Monitoring Report Form(s) EPA 3320-1 or electronic NetDMR as specified in Part III.D.4 of this permit and shall be submitted monthly. The permittee is required to submit regular monthly reports as described above no later than the 15th day of the month following each reporting period.

C. EFFLUENT CHARACTERISTICS

The permittee is required to take representative samples of mine drainage for analyses of constituents listed in Application Form 2-C, section V. Part A-D. The analytical results shall be sent to the following address no later than 90 days prior to any discharge to the water of the United States.

Water Quality Protection Division
NPDES Permits & TMDL Branch
U.S. Environmental Protection Agency, Region 6
Dallas, TX 75202-2733

PART II OTHER CONDITIONS

A. 24-hour Composite Sample

The term "24-hour composite sample" means a sample consisting of a minimum of eight (8) grab samples of effluents collected at regular intervals over a normal operating day and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.

B. Test Procedures

a. The effluent characteristics "dissolved radium 226" and "total radium 226" shall be measured by one of the approved methods in accordance with the procedures discussed for dissolved radium 226 and total radium 226 in Standard Methods for the Examination of Water and Wastewater, latest edition, or an equivalent method.

b. The effluent characteristic "Total Uranium" shall be measured by the procedure discussed in the HASL Procedural Manual, edition by John H. Harley, HASL 300 Health and Safety Laboratory, U.S. Atomic Energy Commission, 1973, pg. EU-03, or an equivalent method.

C. Radioactivity

Sections 20.6.4.13 General Standards, Paragraph G Radioactivity of State of New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC): The radioactivity of surface waters of the state shall be maintained at the lowest practical level and shall in no case exceed the standards set forth in New Mexico Radiation Protection Regulations, 20.3.1 and 20.3.4 NMAC.

D. Minimum Qualification Levels (MQLS)

If any individual analytical test result is less than the MQL for that parameter listed in Appendix A to this Part, then a value of zero may be used for discharge monitoring report (DMR) calculations and reporting requirements for the parameter.

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40CFR136. For any pollutant for which the permittee determines an effluent specific MDL, the permittee shall send to the EPA Region 6 NPDES Permits Branch (6WQ-P) a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 \times \text{MDL}$$

Upon written approval by the EPA Region 6 NPDES Permits Branch (6WQ-P), the effluent specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) reporting requirements.

E. Reopener Clause

In accordance with 40 CFR Part 122.44(d), the permit may be reopened and modified during the life of the permit if relevant portions of New Mexico's Water Quality Standards for Interstate and Intrastate Streams are revised, or new State water quality standards are established and/or remanded by the New Mexico Water Quality Control Commission.

In accordance with 40 CFR Part 122.62(s)(2), the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

APPENDIX A of PART II

The following Minimum Quantification Levels (MQL's) are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

POLLUTANTS	MQL µg/l	POLLUTANTS	MQL µg/l
METALS, RADIOACTIVITY, CYANIDE and CHLORINE			
Aluminum	2.5	Molybdenum	10
Antimony	60	Nickel	0.5
Arsenic	0.5	Selenium	5
Barium	100	Silver	0.5
Beryllium	0.5	Thallium	0.5
Boron	100	Uranium	0.1
Cadmium	1	Vanadium	50
Chromium	10	Zinc	20
Cobalt	50	Cyanide	10
Copper	0.5	Cyanide, weak acid dissociable	10
Lead	0.5	Total Residual Chlorine	33
Mercury *1	0.0005 0.005		
DIOXIN			
2,3,7,8-TCDD	0.00001		
VOLATILE COMPOUNDS			
Acrolein	50	1,3-Dichloropropylene	10
Acrylonitrile	20	Ethylbenzene	10
Benzene	10	Methyl Bromide	50
Bromoform	10	Methylene Chloride	20
Carbon Tetrachloride	2	1,1,2,2-Tetrachloroethane	10
Chlorobenzene	10	Tetrachloroethylene	10
Chlorodibromomethane	10	Toluene	10
Chloroform	50	1,2-trans-Dichloroethylene	10
Dichlorobromomethane	10	1,1,2-Trichloroethane	10
1,2-Dichloroethane	10	Trichloroethylene	10
1,1-Dichloroethylene	10	Vinyl Chloride	10
1,2-Dichloropropane	10		
ACID COMPOUNDS			
2-Chlorophenol	10	2,4-Dinitrophenol	50
2,4-Dichlorophenol	10	Pentachlorophenol	5
2,4-Dimethylphenol	10	Phenol	10
4,6-Dinitro-o-Cresol	50	2,4,6-Trichlorophenol	10

POLLUTANTS	MQL µg/l	POLLUTANTS	MQL µg/l
BASE/NEUTRAL			
Acenaphthene	10	Dimethyl Phthalate	10
Anthracene	10	Di-n-Butyl Phthalate	10
Ben-zidine	50	2,4-Dinitrotoluene	10
Benzo(a)anthracene	5	1,2-Diphenylhydrazine	20
Benzo(a)pyrene	5	Fluoranthene	10
3,4-Benzofluoranthene	10	Fluorene	10
Benzo(k)fluoranthene	5	Hexachlorobenzene	5
Bis(2-chloroethyl)Ether	10	Hexachlorobutadiene	10
Bis(2-chloroisopropyl)Ether	10	Hexachlorocyclopentadiene	10
Bis(2-ethylhexyl)Phthalate	10	Hexachloroethane	20
Butyl Benzyl Phthalate	10	Indeno(1,2,3-cd)Pyrene	5
2-Chloronaphthalene	10	Isophorone	10
Chrysene	5	Nitrobenzene	10
Dibenzo(a,h)anthracene	5	n-Nitrosodimethylamine	50
1,2-Dichlorobenzene	10	n-Nitrosodi-n-Propylamine	20
1,3-Dichlorobenzene	10	n-Nitrosodiphenylamine	20
1,4-Dichlorobenzene	10	Pyrene	10
3,3'-Dichlorobenzidine	5	1,2,4-Trichlorobenzene	10
Diethyl Phthalate	10		
PESTICIDES AND PCBS			
Aldrin	0.01	Beta-Endosulfan	0.02
Alpha-BHC	0.05	Endosulfan sulfate	0.02
Beta-BHC	0.05	Endrin	0.02
Gamma-BHC	0.05	Endrin Aldehyde	0.1
Chlordane	0.2	Heptachlor	0.01
4,4'-DDT and derivatives	0.02	Heptachlor Epoxide	0.01
Dieldrin	0.02	PCBs	0.2
Alpha-Endosulfan	0.01	Toxaphene	0.3

(MQL's Revised November 1, 2007)

Footnotes:

*1 Default MQL for Mercury is 0.005 unless Part I of your permit requires the more sensitive Method 1631 (Oxidation / Purge and Trap / Cold vapor Atomic Fluorescence Spectrometry), then the MQL shall be 0.0005.

PART III - STANDARD CONDITIONS FOR NPDES PERMITS**A. GENERAL CONDITIONS****1. INTRODUCTION**

In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable regulations.

2. 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.

3. TOXIC POLLUTANTS

a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. 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 new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

5. PERMIT FLEXIBILITY

This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. PROPERTY RIGHTS

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

7. DUTY TO PROVIDE INFORMATION

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.

8. CRIMINAL AND CIVIL LIABILITY

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

9. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

10. 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, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

11. 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.

B. PROPER OPERATION AND MAINTENANCE**1. NEED TO HALT OR REDUCE 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. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

2. 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.

3. PROPER OPERATION AND MAINTENANCE

a. 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 permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will 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 backup 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 this permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

4. BYPASS OF TREATMENT FACILITIES**a. 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 provisions of Parts III.B.4.b. and 4.c.

b. NOTICE**(1) 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 the bypass.

(2) UNANTICIPATED BYPASS

The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.D.7.

c. PROHIBITION OF BYPASS

(1) 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 downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Part III.B.4.b.

(2) The Director may allow an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part III.B.4.c(1).

5. UPSET CONDITIONS

a. 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 Part III.B.5.b. 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.

b. CONDITIONS NECESSARY FOR A DEMONSTRATION OF UPSET

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required by Part III.D.7; and,
- (4) The permittee complied with any remedial measures required by Part III.B.2.

c. BURDEN OF PROOF

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. REMOVED SUBSTANCES

Unless otherwise authorized, solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. PERCENT REMOVAL (PUBLICLY OWNED TREATMENT WORKS)

For publicly owned treatment works, the 30-day average (or Monthly Average) percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.103.

C. MONITORING AND RECORDS

1. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the 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 conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- d. 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.

2. REPRESENTATIVE SAMPLING

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

3. RETENTION OF RECORDS

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. This period may be extended by request of the Director at any time.

4. RECORD CONTENTS

Records of monitoring information shall include:

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

- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

5. MONITORING PROCEDURES

- a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
- c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

6. FLOW MEASUREMENTS

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.

D. REPORTING REQUIREMENTS

1. PLANNED CHANGES

a. INDUSTRIAL PERMITS

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

- (1) 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 Part 122.29(b); or,
- (2) 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 listed at Part III.D.10.a.

b. MUNICIPAL PERMITS

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. 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.

3. TRANSFERS

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 the Act.

4. DISCHARGE MONITORING REPORTS AND OTHER REPORTS

Monitoring results must be reported to EPA on either the electronic or paper Discharge Monitoring Report (DMR) approved formats. Monitoring results can be submitted electronically in lieu of the paper DMR Form. To submit electronically, access the NetDMR website at www.epa.gov/netdmr and contact the R6NetDMR.epa.gov in-box for further instructions. Until you

are approved for Net DMR, you must report on the Discharge Monitoring Report (DMR) Form EPA. No. 3320-1 in accordance with the "General Instructions" provided on the form. No additional copies are needed if reporting electronically, however when submitting paper form EPA No. 3320-1, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA at the address below. Duplicate copies of paper DMR's and all other reports shall be submitted to the appropriate State agency (ies) at the following address (es):

EPA:

Compliance Assurance and Enforcement Division
Water Enforcement Branch (6EN-W)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

New Mexico:

Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
1190 Saint Francis Drive
Santa Fe, NM 87502-5469

5. ADDITIONAL MONITORING BY THE PERMITTEE

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

6. AVERAGING OF MEASUREMENTS

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

7. TWENTY-FOUR HOUR REPORTING

- a. The permittee shall report any noncompliance which may endanger 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 be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

- (1) A description of the noncompliance and its cause;
- (2) 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,
- (3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

- b. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Any upset which exceeds any effluent limitation in the permit; and,
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II (industrial permits only) of the permit to be reported within 24 hours.

- c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. OTHER NONCOMPLIANCE

The permittee shall report all instances of noncompliance not reported under Parts III.D.4 and D.7 and Part I.B (for industrial permits only) at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.7.

9. 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.

10. CHANGES IN DISCHARGES OF TOXIC SUBSTANCES

All existing manufacturing, commercial, mining, and silvacultural permittees shall notify the Director as soon as it knows or has 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 listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2, 4-dinitro-phenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Director.
- 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":
 - (1) Five hundred micrograms per liter (500 µg/L);
 - (2) One milligram per liter (1 mg/L) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Director.

11. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified.

- a. ALL PERMIT APPLICATIONS shall be signed as follows:

- (1) FOR A CORPORATION - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal 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.

- (2) FOR A PARTNERSHIP OR SOLE PROPRIETORSHIP - by a general partner or the proprietor, respectively.

- (3) 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:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

- b. ALL REPORTS required by the permit and other information requested by the Director 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:
 - (1) The authorization is made in writing by a person described above;
 - (2) The authorization specifies 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, or 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 an individual occupying a named position; and,

(3) The written authorization is submitted to the Director.

c. 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."

12. AVAILABILITY OF REPORTS

Except for applications, effluent data permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. CRIMINAL

a. NEGLIGENT VIOLATIONS

The Act provides that any person who negligently violates permit conditions implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. KNOWING VIOLATIONS

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

c. KNOWING ENDANGERMENT

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

d. FALSE STATEMENTS

The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. CIVIL PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

3. ADMINISTRATIVE PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

a. CLASS I PENALTY

Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.

b. CLASS II PENALTY

Not to exceed \$11,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$137,500.

F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. ACT means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.
2. ADMINISTRATOR means the Administrator of the U.S. Environmental Protection Agency.
3. APPLICABLE EFFLUENT STANDARDS AND LIMITATIONS means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. APPLICABLE WATER QUALITY STANDARDS means all water quality standards to which a discharge is subject under the Act.
5. BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.
6. DAILY DISCHARGE means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.
7. DAILY MAXIMUM discharge limitation means the highest allowable "daily discharge" during the calendar month.
8. DIRECTOR means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
9. ENVIRONMENTAL PROTECTION AGENCY means the U.S. Environmental Protection Agency.
10. GRAB SAMPLE means an individual sample collected in less than 15 minutes.
11. INDUSTRIAL USER means a non-domestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
12. MONTHLY AVERAGE (also known as DAILY AVERAGE) discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily concentration, F = daily flow, and n = number of daily samples; daily average discharge =

$$C_1F_1 + C_2F_2 + \dots + C_nF_n$$

$$F_1 + F_2 + \dots + F_n$$

13. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.
14. 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.
15. SEWAGE SLUDGE means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a publicly owned treatment works.
16. TREATMENT WORKS means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Act, or necessary to recycle or reuse water at

the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.

17. 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 preventive maintenance, or careless or improper operation.
18. FOR FECAL COLIFORM BACTERIA, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
19. The term "MGD" shall mean million gallons per day.
20. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).
21. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).
22. MUNICIPAL TERMS
 - a. 7-DAY AVERAGE or WEEKLY AVERAGE, other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
 - b. 30-DAY AVERAGE or MONTHLY AVERAGE, other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
 - c. 24-HOUR COMPOSITE SAMPLE consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
 - d. 12-HOUR COMPOSITE SAMPLE consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
 - e. 6-HOUR COMPOSITE SAMPLE consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
 - f. 3-HOUR COMPOSITE SAMPLE consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

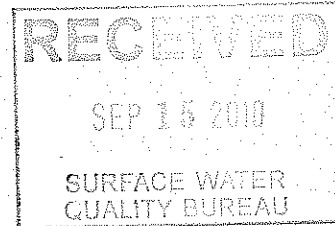
REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

SEP 10 2010

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7009 2820 0001 8283 5087)

Mr. J. C. Lister
Rio Grande Resources
P.O. Box 1150
Grants, NM 87020

Re: NPDES Permit No. NM0028100
Change of Administrative Records



Dear Mr. Lister:

The permit recently issued to the Rio Grande Resources requires your facility perform toxicity testing as specified in section A, Part I of the permit. But, EPA accidentally omits the standard procedure for sampling and performance of toxicity testing. A copy of the toxicity testing procedure is enclosed for your record. EPA also changes the description of alpha from total alpha to adjusted gross alpha in accordance with State water quality standards (20.6.4.7B and 20.6.4.900J).

The corrected pages are enclosed.

If you have any questions on any aspect of this minor permit modification, please feel free to contact the permit writer, Isaac Chen, by telephone at: 214-665-7364, FAX: 214-665-2191, or E-mail: chen.isaac@epa.gov.

Sincerely yours,

Brent Larsen
Acting Chief
Permits & Technical Section (6WQ-PP)

Enclosure(s)

c w/ Enclosure: New Mexico Environment Department

PART I – REQUIREMENTS FOR NPDES PERMITS

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS

1. Outfalls 001

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.6	9.0	1/Day	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	STORET CODE	30-Day Avg	Daily Max	30-Day Avg	Daily Max	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	***	***	Continuous	Totalizing Meter
Total Suspended Solids	00530	N/A	N/A	20	30	1/Day	Grab
Chemical Oxygen Demand	00340	N/A	N/A	100	125	1/Day	Grab
Ra226 (dissolved)	09503	N/A	N/A	3 pCi/l	10 pCi/l	1/Day	Grab
Total Ra226	09501	N/A	N/A	10 pCi/l	30 pCi/l	1/Day	Grab
Total Ra226+Ra228	11503	N/A	N/A	20 pCi/l	30 pCi/l	1/Day	Grab
Total Uranium	22706	N/A	N/A	2.0	4.0	1/Day	Grab
Total Zinc	01092	N/A	N/A	0.5	1.0	1/Day	Grab
Total Aluminum	01105	N/A	N/A	3.3	5.0	1/Day	Grab
Total Boron	01022	N/A	N/A	0.5	0.75	1/Day	Grab
Total Cadmium	01027	N/A	N/A	0.06	0.1	1/Day	Grab
Total Chromium	01034	N/A	N/A	0.32	0.48	1/Day	Grab
Total Cobalt	01037	N/A	N/A	0.033	0.05	1/Day	Grab
Total Copper	01042	N/A	N/A	0.35	0.53	1/Day	Grab

Total Mercury	71900	N/A	N/A	0.51 µg/l	0.77 µg/l	1/Day	Grab
Total Molybdenum	01062	N/A	N/A	0.67	1.0	1/Day	Grab
Total Selenium	01147	N/A	N/A	3.3 µg/l	5.0 µg/l	1/Day	Grab
Total Vanadium	01087	N/A	N/A	0.067	0.1	1/Day	Grab
Adjusted Gross Alpha (*1)	80029	N/A	N/A	10 pCi/l	15 pCi/l	1/Day	Grab
E. coli	51040	N/A	N/A	126 cfu/100 ml	410 cfu/100 ml	1/Day	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING (*1) (48-Hour Static Renewal)	30-DAY AVG MINIMUM	48-HR MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Daphnia pulex	Report	Report	1/3 Months (*1)	24-Hr Composite

Footnotes:

*1 Adjusted gross alpha means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample, including radium-226, but excluding radon-222 and uranium.

*2 Monitoring frequency 1/3-month for the 1st year of the permit. If all tests pass, reduce the frequency to 1/6-month for years 2 – 5, and resume the frequency of 1/3-month on the last day of the permit. If any test fails during the period of the permit, return the frequency to 1/3-month for the remainder of the permit.

SAMPLING LOCATION(S)

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfalls 001.

F. WHOLE EFFLUENT TOXICITY TESTING (48-HOUR ACUTE NOEC FRESHWATER)

It is unlawful and a violation of this permit for a permittee or his designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by EPA Region 6 or the State NPDES permitting authority.

1. SCOPE AND METHODOLOGY

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S): 001

REPORTED AS FINAL OUTFALL: 001

CRITICAL DILUTION (%): 100

EFFLUENT DILUTION SERIES (%): 32, 42, 56, 75, 100

COMPOSITE SAMPLE TYPE: Defined at PART I

TEST SPECIES/METHODS: 40 CFR Part 136

Daphnia pulex acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Lethal Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Acute test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution.
- c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.
- d. Test failure is defined as a demonstration of statistically significant lethal effects to a test species at or below the effluent critical dilution.
- e. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. NMED will review the test results and determine the appropriate action necessary, if any.

2. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. Each toxicity test control (0% effluent) must have a survival equal to or greater than 90%.
- ii. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent)-
- iii. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal effects are exhibited.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

b. Statistical Interpretation

The statistical analyses used to determine if there is a statistically significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-012 or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 90% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report an NOEC of not less than the critical dilution for the reporting requirements found in Item 3 below.

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;
 - (A) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - (B) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all

subsequent tests provided the unacceptable receiving water test met the following stipulations:

- (A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;
- (B) the test indicating receiving water toxicity has been carried out to completion (i.e., 48 hours);
- (C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and
- (D) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

- i. The permittee shall collect two flow-weighted composite samples from the outfall(s) listed at Item 1.a above.
- ii. The permittee shall collect a second composite sample for use during the 24-hour renewal of each dilution concentration for the tests. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- iii. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
- iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation Section of EPA-821-R-02-012, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports upon the specific request of the Agency. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- b. A valid test for each species must be reported during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. Only ONE set of biomonitoring data for each species is to be recorded for each reporting period. The data submitted should reflect the LOWEST Survival results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached for EPA review.
- c. The permittee shall report the following results of each valid toxicity test. Submit retest information, if required, clearly marked as such. Only results of valid tests are to be reported.
 - i. Daphnia pulex
 - (A) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM3D.
 - (B) Report the NOEC value for survival, Parameter No. TOM3D.
 - (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM3D.
- d. If retests are required by NMED, enter the following codes:
 - i. For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
 - ii. For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

**United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)**

**MULTI-SECTOR GENERAL PERMIT FOR STORMWATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITY (MSGP)**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 *et seq.*), operators of stormwater discharges associated with industrial activity located in an area identified in Appendix C where EPA is the permitting authority are authorized to discharge to waters of the United States in accordance with the eligibility and Notice of Intent (NOI) requirements, effluent limitations, inspection requirements, and other conditions set forth in this permit. This permit is structured as follows:

- general requirements that apply to all facilities are found in Parts 1 through 7;
- industry sector-specific requirements are found in Part 8; and
- specific requirements that apply in individual States and Indian Country Lands are found in Part 9.

The Appendices (A through K) contain additional permit conditions that apply to all operators covered under this permit.

This permit becomes effective on September 29, 2008.

This permit and the authorization to discharge expire at midnight, September 29, 2013.

Robert W. Varney, Regional Administrator
EPA Region 1

Carl-Axel P. Soderberg, Division Director, Caribbean
Environmental Protection Division
EPA Region 2

Jon M. Capacasa, Director, Water Protection
Division
EPA Region 3

Timothy C. Henry, Acting Director, Water Division
EPA Region 5

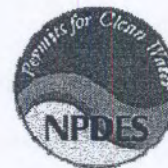
Miguel I. Flores, Director, Water Quality Protection
Division
EPA Region 6

Alexis Strauss, Director, Water Division
EPA Region 9

Michael Gearheard, Director, Office of Water and
Watersheds
EPA Region 10



U.S. ENVIRONMENTAL PROTECTION
AGENCY (EPA)
NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)
EPA's NOI PROCESSING CENTER



12/15/2008

Company: RIO GRANDE RESOURCES
CORPORATION
ATTN: JOE LISTER
PO Box 1150
Grants, NM 87020
Permit Number: NMR05GB27

Facility: MT. TAYLOR MINE
Hwy 605 North, 1 m north San Mateo
San Mateo, NM 87020

This email/letter acknowledges that you have submitted a complete Notice of Intent form to be covered under the NPDES General Permit for Stormwater Discharges for Multi-Sector General Permit Activity (Multi-Sector General Permit). Coverage under this permit begins at the conclusion of your thirty-day waiting period, on 01/14/2009.

As stated above, this letter acknowledges receipt of a complete Notice of Intent. However, it is not an EPA determination of the validity of the information you provided. Your eligibility for coverage under the Permit is based on the validity of the certification you provided. Your signature on the Notice of Intent certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you correctly determine whether you are eligible for coverage under this permit.

As you know, the Multi-Sector General Permit requires you to have developed and begun implementing a Stormwater Pollution Prevention Plan (SWPPP) and outlines important inspection and record keeping requirements. You must also comply with any additional location-specific requirements applicable to your state or tribal area. A copy of the Multi-Sector General Permit must be kept with your SWPPP. An electronic copy of the Permit and additional guidance materials can be viewed and downloaded at www.epa.gov/npdes/stormwater.

For tracking purposes, the following number has been assigned to your Notice of Intent Form:
NMR05GB27.

If you have general questions regarding the stormwater program or your responsibilities under the Multi-Sector General Permit, please call

EPA Region 6

Brent Larsen (214) 665-7523

If you have questions about your Notice of Intent form, please call the EPA NOI Processing Center at 1-866-352-7755 (toll free) or send an inquiry via the online form at <http://www.epa.gov/npdes/noicontact>.

Next time, you can use the eNOI system (<<http://www.epa.gov/npdes>><http://www.epa.gov/npdes>) to apply for a Notice of Intent.

EPA NOI Processing Center
Operated by Avanti Corporation
1200 Pennsylvania Ave., NW
Mail Code: 4203M
Washington, DC 20460
1-866-352-7755



Submission of this completed Notice of Intent (NOI) constitutes notice that the operator identified in Section B of this form requests authorization to discharge pollutants to waters of the United States from the facility or site identified in Section C under EPA's NPDES Stormwater Multi-Sector General Permit (MSGP) for industrial stormwater. Submission of this NOI constitutes your notice to EPA that the facility identified in Section C of this form meets the eligibility conditions of Part 1.1 of the MSGP. Please read and make sure you comply with all eligibility requirements, including the requirement to prepare a stormwater pollution prevention plan. Refer to the instructions at the end of this form to complete your NOI.

**A. Permit
Number:**

NM R 050001

(see Appendix C of the MSGP for the list of
eligible permit numbers)

Tracking Number (EPA Use Only):

B. Facility Operator Information

1. Name: RIO GRANDE RESOURCES CORP

2. IRS Employer Identification Number (EIN): 94 - 3140665

3. Mailing Address:

a. Street: PO BOX 1150

b. City: GRANTS

c. State: NM d. Zip Code: 87020

e. Phone: 505 - 287 - 7971

f. Fax
(optional): 505 - 287 - 5051

g. E-mail: joe.lister1@gmail.com

C. Facility Information

1. Facility Name: MT. TAYLOR MINE

2. Have stormwater discharges from your site been covered previously under an NPDES permit? ☒ YES ☐ NOa. If yes, provide the Tracking Number if you had coverage under EPA's MSGP 2000
or the NPDES permit number if you had coverage under an EPA individual permit.

NMR05A809

b.1 If no, was your facility in operation and discharging stormwater prior to October 30, 2005? ☐ YES ☐ NOb.2 If no to C.2.b.1, did your facility commence discharging after October 30, 2005 and before January 5, 2009? ☐ YES ☐ NO

3. Location Address:

a. Street: 23 MILES NORTH ON HWY 605 NORTH

b. City: SAN MATEO

c. County or similar government subdivision: CIBOLA

d. State: NM e. Zip Code: 87020

f. Latitude: (use
any one of the
three formats
provided.)
1. 35° 20' 30" N (degrees, minutes, seconds)
2. _____° _____' _____" N (degrees, minutes, decimal)
3. _____° N (degrees decimal)g. Longitude:
(use any of
these 3
formats)
1. 107° 38' 00" W (degrees, minutes, seconds)
2. _____° _____' _____" W (degrees, minutes, decimal)
3. _____° W (degrees decimal)h. Lat/Long Data Source: ☒ USGS topographic map ☐ EPA web site ☐ GPS ☐ Other: _____

If you used a USGS topographic map, what was the scale? 1" = 2000'

4. Estimated area of industrial activity at your site exposed to stormwater: 120 (acres)

5. Is this a federal facility? ☐ YES ☒ NO6. Is your facility located on Indian Country lands? ☐ YES ☒ NO

If yes, name of reservation, or if not part of a reservation, put "Not Applicable:" _____

D. Discharge information1. Does your facility discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ YES ☒ NO

If yes, name of MS4 operator: _____

2. Receiving Waters and Wetlands (Note: If additional space is needed for this question, fill out Attachment 1.)

a. What is the name(s) of your receiving water(s) that receive stormwater directly and/or through an MS4? If your receiving water is impaired then identify the name of the impaired segment, if applicable, in parentheses following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?	If you answered yes to question D.2.b, then answer the following three questions:		
		b.1. What pollutant(s) are causing the impairment?	b.2. Are the pollutant(s) causing the impairment present in your discharge?	b.3. Has a TMDL been completed for the pollutant(s) causing the impairment?
TRIBUTARY OF SAN MATEO CREEK	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
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	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
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	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
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	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

3. Water Quality Standards (for new dischargers only)

a. Are any of your discharges into any portion of a receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)? ☐ YES ☒ NOb. Has the receiving water(s) been designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding Natural Resource Water)? ☐ YES ☒ NO

4. Federal Effluent Limitation Guidelines and Sector-Specific Requirements

a. Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? ☐ YES ☒ NO

b. If yes, which effluent limitation guidelines apply to your stormwater discharges?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check if Applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities	E	<input type="checkbox"/>
Part 418 Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	C	<input type="checkbox"/>
Part 423	Coal pile runoff at steam electric generating facilities	O	<input type="checkbox"/>
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	A	<input type="checkbox"/>
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines	J	<input type="checkbox"/>
Part 443, Subpart A	Runoff from asphalt emulsion facilities	D	<input type="checkbox"/>
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills	K, L	<input type="checkbox"/>

c. If you are a Sector S (Air Transportation) facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? ☐ YES ☐ NO

5. Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in MSGP:

Primary SIC Code: 1094 OR Primary Activity Code

6. Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting permit coverage:

a. Sector <u>G</u> Subsector <u>2</u>	b. Sector <u> </u> Subsector <u> </u>	c. Sector <u> </u> Subsector <u> </u>
d. Sector <u> </u> Subsector <u> </u>	e. Sector <u> </u> Subsector <u> </u>	f. Sector <u> </u> Subsector <u> </u>

7.a. Is your site presently inactive and unstaffed? ☐ YES ☒ NOb1. If yes, is your site expected to be inactive and unstaffed for the entire permit term? ☐ YES ☐ NO

b2. If you select "no" in 7.b1 above, then indicate the length of time that you expect your facility to be inactive and unstaffed _____

E. Stormwater Pollution Prevention Plan (SWPPP) Contact Information

1a. SWPPP Contact Name:

JOE LISTER

b. Phone:

505 - 287 - 7971

Ext.

c. E-mail:

2. URL of SWPPP (if applicable):

F. Endangered Species Protection

1. Using the instructions in Appendix E of the MSGP, under which criterion listed in Part 1.1.4.5 are you eligible for coverage under this permit?

☒ A ☐ B ☐ C ☐ D ☐ E ☐ F

2. If you select criterion E from Part 1.1.4.5:

a. What federally-listed species or federally-designated critical habitat are in your "action area?"

b. List the pollutants expected to be present in your discharge

c. If you are an existing discharger, do you have effluent monitoring data from EPA's MSGP 2000, or another previous NPDES permit? ☐ YES ☐ NOc.1 If no, why not? ☐ No monitoring required for my sector ☐ Inactive/unstaffed site ☐ Other

c.2 Do you have any other data characterizing pollutants in your stormwater (describe)?

c.3 If you have benchmark monitoring data, did you exceed any of the applicable benchmarks? ☐ YES ☐ NOc.4 Did you exceed any applicable effluent limitation guideline or cause or contribute to an exceedance of a State or Tribal water quality standard? ☐ YES ☐ NO

c.5 If you answered "yes" to either question F.2.c.3 or F.2.c.4 above, for what pollutant(s)?

d. Attach documentation supporting criterion E eligibility. Documentation should address species and habitat listed in F.2.a and the potential effects of pollutants listed in F.2.b (including any monitoring data for these pollutants) on the listed species and habitat.

3. If you select criterion F from Part 1.1.4.5, provide the operator's NPDES Tracking Number under which you are certifying eligibility:

G. Historic Preservation

Using the instructions in Appendix F of the MSGP, under which criterion listed in Part 1.1.4.6 are you eligible for coverage under this permit?

☒ A ☐ B ☐ C ☐ D**H. Certifier Name and Title**

I certify under penalty of law that I meet the eligibility conditions of this permit and 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, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Print Name:

JOE LISTER

Title:

MINE MANAGER

Signature:

Date: 12/1/08

E-mail: joe.lister1@gmail.com

NOI Preparer (Complete if NOI was prepared by someone other than the certifier)

Prepared by:

Organization:

Phone:

Ext.

E-mail:



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Environmental Protection Division
Radiation Control Bureau

Marquez Building
525 Camino de los Marquez, Suite 1
Post Office Box 5469
Santa Fe, New Mexico 87502-5469
Telephone (505) 476-8600
Fax (505) 476-8654

www.nmenv.state.nm.us/nmrcb/home.html



DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

MARY ROSE
Acting Director

November 20, 2012

Joel C. Lister, Manger
Rio Grande Resources Corporation
P.O. Box 1150
Grant, NM 87020

Re: License Renewal

License No. SO 043
Amendment No. 09

Dear Mr. Lister:

Please find the enclosed Amendment Number 09 to the New Mexico Radioactive Materials License Number SO 043. This license has been renewed for an additional five years. The new expiration date is December 31, 2017. Carefully review the contents and assure a complete understanding of all conditions in the License and immediately report any errors or omissions to the Radiation Control Bureau.

The New Mexico radioactive material licensee is required to be familiar with applicable parts of 20.3 NMAC. Copies of these regulations are available through the internet at:

www.nmenv.state.nm.us/nmrcb/home.html.

A move to a different location requires you to notify and receive authorization from this Department at least thirty days in advance. Any sale or transfer of licensed material must be in accordance with 20.3.3.317.B. NMAC.

You are required to possess a copy of this license at all work locations within New Mexico. Should you have any questions, please call me at (505) 476-8600.

Sincerely,

Santiago M. Rodriguez, Program Manager
Radiation Control Bureau



SUSANA MARTINEZ
Governor

JOHN SANCHEZ
Lieutenant Governor

State of New Mexico

ENVIRONMENT DEPARTMENT

Environmental Protection Division

Radiation Control Bureau

Marquez Building

525 Camino de los Marquez, Suite 1

P. O. Box 5469

Santa Fe, New Mexico 87502-5469

Telephone number: (505) 476-8600

Fax number: (505) 476-8654

www.nmenv.state.nm.us/nmrbc/home.html



DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

MARY ROSE
Acting Director



RADIOACTIVE MATERIAL LICENSE

Pursuant to Sections 74-3-1 through 74-3-16 NMSA 1978, and 20.3.3 NMAC, and in reliance on statements and representations heretofore made by the licensee designated below, a license is hereby issued authorizing such licensee to transfer, receive, possess and use the radioactive material(s) designated in this license; and to use said radioactive material(s) for the purpose(s) and at the place(s) designated herein. This license is subject to all applicable rules, regulations, and orders now or hereafter in effect, of the New Mexico Environment Department and to any conditions specified herein.

1. License Name Rio Grande Resources Corporation	2. License Number SO043-09
3a. Address P.O. Box 1150 Grants NM 87020	3b. Actual Location of Operation From Milan, North on State Hwy. 605 to San Mateo, then 1/2 mile NE to Mt. Taylor Mine.
4. Telephone (505) 287-7971	5. Expiration Date December 31, 2017

Date: November 20, 2012

For the New Mexico Environment Department

Santiago M. Rodriguez, Program Manager (vr)
Radiation Protection Program

Attachments:

- 1) Radioactive Material Specifications
- 2) Authorized Use(s) and License Conditions

SO043-09

ATTACHMENT 1 - RADIOACTIVE MATERIAL SPECIFICATIONS



LICENSE NUMBER SO043-09

6. RADIOACTIVE MATERIALS (element and mass number)	7. FORM (chemical or physical)	8. MAXIMUM QUANTITY (Licensee may possess at any one time)
A. Cesium 137.	A. Sealed source (New England Nuclear, Model NER-580A).	A. One source not to exceed 110 millicuries, total.
C. Radium 226.	C. Chloride in a pure silicon matrix (Geoco, Inc. custom calibration standards).	C. One source not to exceed 0.25 microcurie, total.

END OF THIS SECTION



ATTACHMENT 2 - AUTHORIZED USE(S) AND LICENSE CONDITIONS



LICENSE NUMBER SO043-09

9. Authorized Use:

A. and B. For storage only.

10. The licensee shall comply with the provisions of 20.3.3, 20.3.4, 20.3.10, and 20.3.16 NMAC.

11. The Secretary of the Department or the Secretary's authorized representatives shall be allowed to enter the premises and inspect the radiation related activities at all reasonable times. Failure of the licensee to admit the Secretary or the Secretary's authorized representatives shall constitute grounds for issuance of an immediate cease and desist order.

12. Thirty (30) days before vacating or relinquishing possession or control of the premises specified in Item 3.b of this license, the licensee shall notify the Department in writing of the intent to vacate and the address of relocation.

13. The Radiation Safety Officer for this license is Stanley A. Fitch, CHP.

14. Licensed material shall only be used by, or under the supervision and in the physical presence of, Stanley A. Fitch and Joel Lister.

15. The licensee shall conduct a physical inventory every 6 months to account for all sealed sources and devices received and possessed under the license. Records of the inventories shall be maintained for 5 years from the date of each inventory for inspection by the Department. The inventory record shall include the identity of the radionuclide for each source and its activity, the make and model number of each source and device, the serial number of each source and device, the location of each source and device, the date of the inventory, and the name of the individual making the inventory.

16. The licensee shall maintain utilization records of each use of licensed material showing:

A. The make, model number, and a serial number or a description of each sealed source or device used;

B. The date and location of use of licensed material;

C. The identity of the user responsible for the licensed material; and

D. The date and time when the licensed material or device was returned to the storage location. Utilization records shall be retained for 3 years from the date of the recorded event and made available for inspection by the Department.

17. Leak Tests:

A. Each sealed source containing licensed material, other than hydrogen 3, with a half-life greater than thirty days and in any form other than gas, shall be tested for contamination and leakage at intervals not to exceed the intervals specified in the Certificate of Registration issued by the NRC or an Agreement State. In the absence of a certificate from a transferor indicating that a test has been



ATTACHMENT 2 - AUTHORIZED USE(S) AND LICENSE CONDITIONS



LICENSE NUMBER SO043-09

made within the interval specified in the Certificate of Registration prior to the transfer, a sealed source received from another person shall not be put into use until tested.

A1. Notwithstanding the periodic leak test required by this condition, any licensed sealed source is exempt from such leak tests when the source contains 100 microcuries of beta and gamma emitting material or 10 microcuries or less of alpha emitting material.

A2. The periodic test required by this condition does not apply to sealed sources that are stored and not being used. The sources excepted from this test shall be tested for leakage prior to any use or transfer to another person unless they have been leak tested within the interval specified in the Certificate of Registration issued by the NRC or an Agreement State prior to the date of use or transfer.

B. The test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is permanently mounted or stored on which one might expect contamination to accumulate. Records of leak tests shall be kept in units of microcuries and maintained for 5 years for inspection by the Department.

C. If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with Department regulations. A report shall be filed within 5 days of the test result with the New Mexico Environment Department, Radiation Protection Program, P.O. Box 5469, Santa Fe, New Mexico 87502, describing the equipment involved, the test result and the corrective action taken.

D. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the Department, NRC or an Agreement State to perform such services.

18. In addition to the notification requirements in 20.3.3 and 20.3.4 NMAC, each licensee shall report immediately any compromise to the integrity of any sealed sources or devices containing radioactive materials.

19. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

20. Except as specifically provided otherwise by this license, the licensee shall possess and use licensed material described in Items 6., 7., and 8., of the license in accordance with statements, representations and procedures contained in, referenced in, or enclosed with the documents listed below. The most recent statements, representations, and procedures shall govern if they conflict with previously submitted documents:

Amendment

08 Application with attachments (only those referencing storage of the sealed sources) dated November 12, 2010.

09 Renewal application with attachments dated November 5, 2012.



ATTACHMENT 2 - AUTHORIZED USE(S) AND LICENSE CONDITIONS



LICENSE NUMBER SO043-09

END OF THIS SECTION.



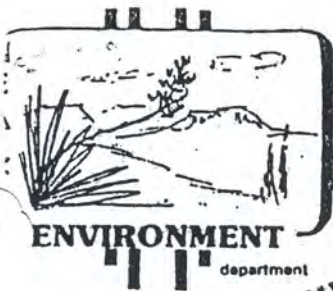
J. G. di Zerega
K. S. Barnhill
J. L. Mackin

HIS COPY FOR

JERRY APODACA
GOVERNOR

STATE OF NEW MEXICO

GEORGE S. GOLDSTEIN, Ph.D.
SECRETARY FOR HEALTH & ENVIRONMENT



ENVIRONMENT
department
RECEIVED
K.S. BARNHILL

FEB 28 1980

GULF MINERAL RESOURCES CO.
MT. TAYLOR PROJECT

ENVIRONMENTAL IMPROVEMENT DIVISION
SOLID WASTE MANAGEMENT UNIT
P.O. Box 968
Santa Fe, New Mexico 87503
Telephone: (505) 827-5271

RECEIVED

FEB 22 1980

W. L. ROGERS

CERTIFICATE OF REGISTRATION

This is to certify that GULF OIL CORPORATION
has filed an application with the Environmental Improvement Division in
compliance with Section 103 of the New Mexico Environmental Improvement
Division, Solid Waste Regulations.

DATE: FEBRUARY 18, 1980

RECEIVED
FEB 29 1980
L. E. LEWIS

Locke H. G. S.
CERTIFICATION OFFICER

COMMENTS:

None.

Gulf Mineral Resources Co.

F. S. Mooney
SENIOR VICE PRESIDENT

1720 So. Bellaire St.
Denver, Colo. 80222

RECEIVED

FEB 21 1980

L. E. LEWIS

February 11, 1980

Mr. Thomas E. Baca
New Mexico Environmental Improvement Division
P. O. Box 968
Santa Fe, New Mexico 87503

Dear Mr. Baca:

Attached are registrations for solid waste disposal sites in accordance with the New Mexico Solid Waste Regulations, for the Mt. Taylor Mine and Mill.

Should any questions arise, please contact Mr. Philip W. Morton, (303) 758-1700, or the undersigned.

Very truly yours,

GULF OIL CORPORATION *FSM*

F. S. Mooney /
Sr. Vice President,
Uranium Operations and Marketing

FSM:PWM:rw
Attachments

cc: J. L. Mackin - NMEID
R. Krehoff - NMEID



Application for registration of solid waste collection, transportation, and disposal systems.

Section 103. of the New Mexico Environmental Improvement Agency Solid Waste Regulation states:

103. REGISTRATION. --

A. At least thirty days prior to the creation or modification of a system for the collection, transportation, or disposal of solid waste, the person who is operating or will operate the system shall obtain a registration certificate from the agency.

B. Any person who is operating a system for the collection, transportation, or disposal of solid waste on October 19, 1974, shall obtain a registration certificate by December 19, 1974.

C. Any person who seeks a registration certificate shall file a written application with the Solid Waste Management Section of this agency. Application forms may be obtained from the agency. Application shall:

(Please complete all of the following where applicable.)

1. Date of Application: February 11, 1980
2. Name and address of applicant Gulf Oil Corporation, Acting by and through its division, Gulf Mineral Resources Co., 1720 South Bellaire Street, Denver, Colorado 80222 Telephone 303/758-1700
3. Type of storage containers required for: Not Applicable
 - a. Residences _____
 - b. Commercial establishments _____
 - c. Institutions _____
 - d. Industries _____
 - e. Recreational facilities _____
4. Number of accounts to be served, or being served: Not Applicable
 - a. Residential _____
 - b. Commercial _____
 - c. Institutional _____
 - d. Industrial _____

5. Refuse Collection vehicles: Not Applicable

a. Number _____

b. Type _____

c. Capacity _____

d. Condition _____

6. Number of crew members provided for each collection vehicle. Not applicable

7. Collection Frequency: Not Applicable

a. Residential _____

b. Commercial _____

c. Institutional _____

d. Industrial _____

e. Recreational _____

8. Collection Days: Not Applicable

a. Residential (circle) M T W Th F Sat. Sun.

b. Commercial (circle) M T W Th F Sat. Sun.

c. Institutional (circle) M T W Th F Sat. Sun.

d. Industrial (circle) M T W Th F Sat. Sun.

e. Recreational (circle) M T W Th F Sat. Sun.

9. The transport distance from the nearest and farthest points to the disposal site. On-site disposal

10. The type of disposal:

a. Sanitary Landfill _____

b. Modified Landfill X

d. Incineration _____

e. Open dump _____

11. Disposal site:

a. Location Section 24, T13N, R8W, McKinley County, New Mexico

b. Ownership Gulf Oil Corporation

c. Life expectancy 20 years

d. Acreage 25 acres (approx);

e. General topography please refer to attached map

f. Location of any water courses or water wells on or within 200 feet of the disposal site. Marquez Creek, an intermittant stream flows thru section

12. A brief statement describing the plan of operation of the existing system and the proposed system. Gulf proposes to open, on Gulf owned property, for its exclusive use, in accordance with Section 108D, Solid Waste Management Regulations a waste disposal area, on the north east portion of the Mt. Taylor Mine site as indicated on the attached map. The site will be generally maintained as a modified sanitary landfill, with any waste, which is subject to wind movement, contained in plastic bags. Concurrently, Gulf proposes to discontinue use of its existing waste disposal site located in the Southwest corner of the mine site property.

F. S. Mooney
F. S. Mooney, Attorney-in-Fact

Application for registration of solid waste collection, transportation, and disposal systems.

Section 103. of the New Mexico Environmental Improvement Agency Solid Waste Regulation states:

103. REGISTRATION. --

A. At least thirty days prior to the creation or modification of a system for the collection, transportation, or disposal of solid waste, the person who is operating or will operate the system shall obtain a registration certificate from the agency.

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C. Any person who seeks a registration certificate shall file a written application with the Solid Waste Management Section of this agency. Application forms may be obtained from the agency. Application shall:

(Please complete all of the following where applicable.)

1. Date of Application: February 11, 1980
2. Name and address of applicant GULF OIL CORPORATION, acting by and through its division, GULF MINERAL RESOURCES CO., 1720 South Bellaire Street, Denver, Colorado 80222, Telephone (303) 758-1700
3. Type of storage containers required for: NOT APPLICABLE
 - a. Residences _____
 - b. Commercial establishments _____
 - c. Institutions _____
 - d. Industries _____
 - e. Recreational facilities _____
4. Number of accounts to be served, or being served: NOT APPLICABLE
 - a. Residential _____
 - b. Commercial _____
 - c. Institutional _____

5. Refuse Collection Vehicles:

NOT APPLICABLE

a. Number _____

b. Type _____

c. Capacity _____

d. Condition _____

6. Number of crew members provided for each collection vehicle. NOT APPLICABLE

7. Collection Frequency: NOT APPLICABLE

a. Residential _____

b. Commercial _____

c. Institutional _____

d. Industrial _____

e. Recreational _____

8. Collection Days: NOT APPLICABLE

a. Residential (circle) M T W Th F Sat. Sun.

b. Commercial (circle) M T W Th F Sat. Sun.

c. Institutional (circle) M T W Th F Sat. Sun.

d. Industrial (circle) M T W Th F Sat. Sun.

e. Recreational (circle) M T W Th F Sat. Sun.

9. The transport distance from the nearest and farthest points to the disposal site. On-site disposal.

10. The type of disposal:

a. Sanitary Landfill _____

b. Modified Landfill X

d. Incineration _____

e. Open dump _____

11. Disposal site:

a. Location Section 1, T13N, R8W, McKinley County, New Mexico

b. Ownership Fernandez

c. Life expectancy 20 years

d. Acreage 5 acres (approx.)

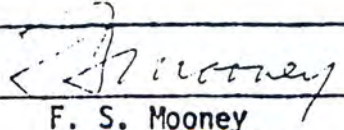
e. General topography Please refer to Section 2.4 of Gulf's Mt. Taylor Uranium Mill License Application for a complete description of the project area and environs.

f. Location of any water courses or water wells on or within 200 feet of the the disposal site. Please see Section 2.6 of the Mt. Taylor Uranium Mill License Application and the Mt. Taylor Uranium Mill Discharge Plan, Section IV, both on file with the NMEID Radiation Protection Section.

12. A brief statement describing the plan of operation of the existing system and/ the proposed system. Gulf proposes to operate a modified landfill, for Gulf's exclusive use, within the fenced boundary of its proposed uranium mill as shown on the attached map. The definitive location, design and operation parameters have not at this time been determined. Gulf intends to comply with the requirements of Section 108F, New Mexico Solid Waste Management regulations.

As further information becomes available it will be forwarded to your office.

Anticipated operation date of the modified landfill is September 1, 1980.


F. S. Mooney
Attorney-in-Fact

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Authorization ID: MOT220
Contact ID: RIOGRAND,WATER
Expiration Date: 12/31/2028
Use Code: 914

FS-2700-4 (03/06)
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT
AUTHORITY:
FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976**

RIO GRANDE RESOURCES CORPORATION of ATTN: LAND DEPARTMENT, P.O. BOX 1000, HOBSON, TX 78117 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Cibola National Forest or Mt. Taylor Ranger District of the National Forest System.

This permit covers 3.35 acres, and/or .01 miles and is described as: Sec. 12, T. 13 N., R. 8 W., NEW MEXICO PRINCIPAL MERIDIAN as shown on the location map attached to and made a part of this permit, and is issued for the purpose of:

Transport mine discharge water.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on 12/31/2028. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

C. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit may commence by n/a and shall be completed by n/a. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the authorized officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty or liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VI. FEES

A. Termination for Nonpayment. This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

B. The holder shall pay in advance a sum determined by the Forest Service to be the fair market value of the use granted by this authorization for a 5 year period. The payment is set at \$352.50 for the initial 5 year period. Payments for each subsequent 5 year period shall be the amount of the payment for the initial period, adjusted using an appropriate indexing factor to reflect more nearly the current fair market value of the use at the beginning of the new period. At certain intervals the Forest Service shall review the fee and adjust the fee as necessary to assure that it is commensurate with the fair market value of the authorized rights and privileges, as determined by appraisal or other sound business management principles.

C. Payment Due Date. The payment due date shall be the close of business on January 1 of each calendar year payment is due. Payments in the form of a check, draft, or money order are payable to USDA, Forest Service. Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

D. Late Payment Interest, Administrative Costs and Penalties Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, *et seq.*)

VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

D. Cultural Resources Protection (D001RO). The holder, contractor, or lessee shall be responsible for the protection from damage of all identified cultural resources within the area which may be affected by their actions. In addition, the holder, contractor, or lessee shall be liable for all damage or injury to the identified cultural resources caused by their actions. The holder, contractor, or lessee shall immediately notify the agency Project Administrator if any damage occurs to any cultural resource and immediately halt work in the area in which damage has occurred until approval to proceed has been granted by the Project Administrator after consultation with the Forest Archeologist. All provisions of the Region 3 Cultural Resources Damage Assessment Handbook are incorporated by reference herein.

E. Native American Grave Protection and Repatriation Act (X003RO). Pursuant to the Native American Grave Protection and Repatriation Act (NAGPRA) 25 USC 3002(d); 43 CFR Part 10.4, if any human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the course of ground disturbing activity, the holder will immediately cease activity in the area of the discovery and will make a reasonable effort to protect the remains and objects. The holder will provide immediate telephone notification of the discovery to the Forest Service, and will follow up with written confirmation to the authorized officer. The holder will not resume the activity that resulted in the discovery until the authorized officer gives written approval. Approval to resume the activity, if otherwise lawful, will be given thirty (30) days after certification by the authorized officer of the holder's written confirmation of the discovery, or at any time that a written binding agreement is executed between the Forest Service and the affiliated tribes adopting a recovery plan for the remains and objects.

F. Superseded Authorization (X18). This authorization supersedes a special-use authorization designated: MOT95.

G. Signs (X29). Signs or advertising devices erected on National Forest System lands shall have prior approval by the Forest Service as to location, design, size, color, and message. Erected signs shall be maintained or renewed as necessary to neat and presentable standards, as determined by the Forest Service.

H. Improvement Relocation (X33). This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

I. Water Rights (X74). This authorization does not convey any legal interest in water rights as defined by applicable State law.

This permit is accepted subject to the conditions set out above.

Date _____ *CORPORATE NAME

(CORPORATE SEAL)

By: _____
(Vice) President

ATTEST: _____

(Assistant) Secretary

The following certificate shall be executed by the Secretary or Assistant Secretary of the Corporation:

I _____ certify that I am the _____ Secretary of the Corporation that executed the above permit; that _____ who signed said permit on behalf of said Corporation was then _____ of said Corporation; that I know his/her signature on said permit is genuine; and that said permit was duly signed, sealed, and attested to for and on behalf of said Corporation by authority of its governing body

(CORPORATE SEAL)

(Assistant Secretary)

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By: _____
(Authorized Officer Signature)

Nancy Rose, Forest Supervisor
(Name and Title)

(Date)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Figure 1.
Rio Grande Resources Pipeline

