



Ohio Administrative Code

Rule 1501:9-7-07 Permit.

Effective: April 15, 2004

(A) Permit required. Unless an appropriate application has been received by the chief and a permit issued by the division, no person shall drill, reopen, deepen, plug, rework, or use a well for the solution mining of minerals unless the well is authorized by rule in accordance with rule 1501:9-7-05 of the Administrative Code.

(B) Establishing permit conditions.

(1) In addition to conditions required for all permits, the chief shall establish conditions, as required on a case-by-base basis, for all permits under the following: paragraph (Q) of this rule (duration of permits), paragraph (C) of this rule (schedules of compliance), and paragraph (B) of rule 1501:9-7-09 of the Administrative Code (monitoring).

(2) Permit conditions established on a case-by-case basis shall be designed to ensure compliance with Chapter 1509. of the Revised Code.

(C) Schedules of compliance. The permit may, when appropriate, specify a schedule of compliance leading to compliance with Chapter 1509. of the Revised Code and Chapter 1501:9-7 of the Administrative Code.

(1) Time for compliance. Any schedules of compliance under this rule shall require compliance within a reasonable period of time as determined by the chief. The schedules of compliance shall require compliance not later than two years after the date of issuance of the permit.

(2) Alternative schedules of compliance. A solution mining permit applicant or permittee may cease conducting regulated activities by plugging and abandonment of solution mining wells rather than continue to operate and meet permit requirements as follows:

(a) If the permittee decides to cease conducting regulated activities at a given time within the term of



a permit that has already been issued:

(i) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(ii) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

(b) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination that will ensure timely compliance with applicable rules.

(c) If the permittee is undecided whether to cease conducting regulated activities, the chief may issue or modify a permit to contain two schedules as follows:

(i) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date that ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities; or

(ii) One schedule shall lead to timely compliance with applicable rules; and the second schedule shall lead to cessation of regulated activities by a date that will ensure timely compliance with applicable rules;

(iii) Each permit containing two schedules shall include a requirement that, after the permittee has made a final decision under paragraph (C)(2)(c)(i) of this rule, he shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

(d) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced in writing to the chief and signed as stated in paragraph (D)(3) of this rule.

(3) A permit shall be written to require that, if paragraph (C)(1) or (C)(2) of this rule are applicable,



progress reports shall be submitted no later than thirty days following the date of compliance.

(D) Application for a permit. New applicants, permittees with expiring permits, and any person required to have a permit shall complete, sign, and submit an application to the chief as described in this rule.

(1) An application for a permit for any existing solution mining project must be submitted no later than November 27, 1984.

(2) It is the duty of the owner of a solution mining project to submit an application for a permit; however, when a project is owned by one person and operated by another, it is the operator's duty to obtain a permit.

(3) All permit applications shall be signed as follows:

(a) For a corporation, by a principal executive officer of at least the level of vice-president or a duly authorized representative of that person;

(b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

(c) For a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official.

(4) When a person signs as a representative, a certified copy of his/her appointment shall accompany the application or be on file with the division. If an authorization under paragraph (D)(3) of this rule is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the signature requirements must be submitted to the chief prior to or together with any reports, information, or applications to be signed by an authorized representative.

(5) Certification. Any person signing a document under paragraph (D)(3) of this rule 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."

(E) Area of review.

(1) For individual solution mining projects consisting of one well, the area of review shall be a fixed radius around the well of not less than one-quarter mile.

(2) For solution mining projects consisting of more than one well, the area of review shall be the project area plus a circumscribing area the width of which is not less than one-quarter mile.

(3) In determining the fixed radius, the following factors shall be taken into consideration: chemistry of injected and formation fluids, hydrogeology, population and groundwater use and dependence, and historical practices in the area.

(F) Corrective action.

(1) Coverage. Applicants for solution mining project permits shall identify the location of all known wells penetrating the injection zone within the project's area of review. For wells that are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into underground sources of drinking water. Where the plan is adequate, the chief shall incorporate it into the permit as a condition. Where the chief's review of an application indicates that the applicant's plan is inadequate based on the factors in paragraph (F)(2) of this rule, the chief shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit, or deny the application.

(2) Requirements.



(a) Existing solution mining projects. Any permit issued for an existing solution mining project requiring corrective action shall include a compliance schedule requiring any corrective action accepted or prescribed under paragraph (F)(1) of this rule to be completed within a time frame specified in the compliance schedule.

(b) New solution mining projects. No permit for a new solution mining project may authorize injection until all required corrective action has been taken.

(c) Injection pressure limitation. The chief may require as a permit condition that injection pressure be so limited that pressure in the injection zone does not cause the movement of fluids into an underground source of drinking water through any improperly completed or abandoned well within the area of review. This pressure limitation may satisfy the corrective action requirement. Alternatively, such injection pressure limitation may be part of a compliance schedule and last until all other required corrective action has been taken.

(d) When setting corrective action requirements for solution mining projects, the chief shall consider the overall effect of the project on the hydraulic gradient in potentially affected underground sources of drinking water, and the corresponding changes in potentiometric surface(s) and flow direction(s) rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in rule 1501:9-7-09 of the Administrative Code shall be designed to verify the validity of such determinations.

(e) In determining the adequacy of corrective action proposed by the applicant under paragraph (F)(1) of this rule and the additional steps needed to prevent fluid movement into underground sources of drinking water, the following criteria and factors shall be considered by the chief:

- (i) Nature and volume of injected fluid;
- (ii) Nature of native fluids or by-products of injection;
- (iii) Potentially affected population;
- (iv) Geology;



- (v) Hydrology;
 - (vi) History of the injection operation;
 - (vii) Completion and plugging records;
 - (viii) Abandonment procedures in effect at the time the well was abandoned; and
 - (ix) Hydraulic connections with underground sources of drinking water.
- (G) Application content.
- (1) The application for a permit shall contain the following administrative information:
 - (a) The name, mailing address, and location of the facility for which the application is submitted;
 - (b) Ownership status as federal, state, private, public, or other entity;
 - (c) The operator's name, address, and telephone number;
 - (d) A brief description of the nature of the business associated with the project;
 - (e) The activity or activities conducted by the applicant that require the applicant to obtain a permit under Chapter 1501:9-7 of the Administrative Code; and
 - (f) A listing of all permits or construction approvals received or applied for under any of the following programs:
 - (i) Hazardous waste management program under the Resource Conservation and Recovery Act,
 - (ii) Underground injection control program under the Safe Drinking Water Act,



- (iii) National pollutant discharge elimination system program under the Clean Water Act,
 - (iv) Prevention of significant deterioration program under the Clean Air Act,
 - (v) Nonattainment program under the Clean Air Act,
 - (vi) National emission standards for hazardous pollutants, preconstruction approval under the Clean Air Act,
 - (vii) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act,
 - (viii) Dredge or fill permits under section 404 of the Clean Water Act, or
 - (ix) Other relevant environmental permits including state permits.
- (2) Any information submitted to the division pursuant to this rule may be claimed as confidential by the applicant. Any such claim must be asserted at the time of submission by the applicant in writing or by stamping the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. If no claim is made at the time of submission, the division may make the information available to the public without further notice.
- (3) Claims of confidentiality for the following information will be denied:
- (a) The name and address of any permit applicant or permittee, or
 - (b) Information that deals with existence, absence, or level of contamination in drinking water.
- (4) The application for a permit shall contain the following technical information.
- (a) A tabulation of data reasonably available from public records or otherwise known to the applicant on all wells within the area of review that penetrate the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging, completion, and any additional relevant information the chief may require. In cases where



the information would be repetitive and the wells are of similar age, type, and construction, the chief may elect to require data only on a representative number of wells;

(b) Proposed operating data:

(i) Average and maximum daily rate and volume of fluid to be injected per well or per project when a manifold system is used;

(ii) Average and maximum injection pressure; and

(iii) Qualitative analysis and ranges in concentrations of all constituents of injected fluids. The applicant may request confidentiality if the information is proprietary. An applicant may, in lieu of the ranges in concentrations, choose to submit maximum concentrations which shall not be exceeded. In such a case, the applicant shall retain records of the undisclosed concentrations and provide them upon request to the chief as part of any enforcement investigation.

(c) Method used to obtain the information required by paragraphs (A)(9) and (A)(10) of rule 1501:9-7-08 of the Administrative Code;

(d) Proposed stimulation program;

(e) Proposed injection procedure;

(f) Schematic or other appropriate drawings of the surface and subsurface details of the system;

(g) Plans for meeting the monitoring requirements of paragraph (B) of rule 1501:9-7-09 of the Administrative Code;

(h) Expected changes in pressure, native fluid displacement, and direction of movement of injection fluid;

(i) Contingency plans to cope with all well failures or shut-ins so as to prevent the migration of the contaminating fluids into underground sources of drinking water;



(j) A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug, or abandon any well as required by paragraph (I) of this rule; and

(k) For wells within the area of review that penetrate the injection zone but are not properly completed or plugged, the corrective action proposed to be taken under rule 1501:9-7-11 of the Administrative Code.

(l) A brief description of existing or proposed monument grids and surveying method to be used in obtaining yearly measurements of second order accuracy for the detection of ground surface movement. Describe monument types, construction, and emplacement.

(5) Map. Each application for a permit shall be accompanied by a map or maps showing and containing the following information:

(a) The subject tract of land upon which the proposed solution mining project is to be located;

(b) The location and designation of all injection, withdrawal, and monitoring wells (if applicable) on the tract or tracts to be utilized in the solution mining project;

(c) All tracts or parts thereof situated within the area of review labeled with the names of:

(i) All owners of mineral rights if notice is given in accordance with paragraph (H)(1)(a) of this rule,
or

(ii) All owners or operators of record utilizing the proposed formation or zone for solution mining of minerals, storage, or any other purpose if notice is given in accordance with paragraph (H)(1)(b) of this rule.

(d) The geographic location of all wells within the area of review that penetrate the zone proposed as the injection zone.



(H) Notice of application, hearings, and order.

(1) The applicant shall give notice of application for a permit for a solution mining project by the following method:

After the submittal of an application for a solution mining project to the chief, a determination will be made as to the completeness of the application. The applicant will be notified of this completeness. Notification of the application shall be published by the division in the weekly circular in accordance with section 1509.06 of the Revised Code. In addition, a legal notice shall be published by the applicant in a newspaper of general circulation in the area of review in which the proposed project is situated. A copy of the legal notice shall also be delivered to all owners or operators of projects utilizing the same zone or formation. Proof of publication, publication date, and an oath as to the delivery to those entitled to personal notice shall be filed with the division within forty days after the complete application was received by the division. The legal notice shall contain at least the following:

- (a) The name and address of the applicant;
- (b) The location of the proposed project;
- (c) The geologic name and depth of the zone or formation to be utilized;
- (d) The maximum proposed injection pressure;
- (e) The proposed average daily volume of fluid to be injected and withdrawn;
- (f) The fact that further information can be obtained by contacting either the applicant or the division;
- (g) The address and phone number of the division; and
- (h) The fact that for full consideration all comments or objections must be received by the division, in writing, within thirty calendar days of the date of the published legal notice.



(2) Draft permits. Once an application is complete, the chief shall tentatively decide whether to prepare a draft permit, or to deny the application.

(a) If the chief tentatively decides to deny the permit application, he shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under paragraph (H)(2)(b) of this rule. If the chief's final decision is that the tentative decision to deny the permit application was incorrect, he shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (H)(2)(b) of this rule.

(b) If the chief decides to prepare a draft permit, he shall prepare a draft permit that contains all relevant information pertaining to permitting, operation, and monitoring of the proposed project.

(c) All draft permits prepared under this paragraph shall be based on the administrative record, publicly noticed, and made available for public comment.

(3) Fact sheet.

(a) A fact sheet shall be prepared for every draft permit that the chief finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The chief shall send this fact sheet to the applicant and to any other person upon request.

(b) The fact sheet shall include, when applicable:

(i) A brief description of the type of facility or activity that is the subject of the draft permit;

(ii) The type and quantity of fluids that are proposed to be injected and withdrawn;

(iii) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record;



(iv) Reasons why any requested variances or alternatives to required standards do or do not appear justified;

(v) A description of the procedures for reaching a final decision on the draft permit including:

(a) The beginning and ending dates of the comment period and the address where comments will be received;

(b) Procedures for requesting a hearing and the nature of that hearing; and

(c) Any other procedures by which the public may participate in the final decision; and

(vi) Name and telephone number of a person to contact for additional information.

(4) Comments and objections.

(a) Any person desiring to comment or to make an objection with reference to an application for a permit for a solution mining project shall file such comments or objections, in writing, with the "Underground Injection Control Section, , Division of Mineral Resources Management, Fountain Square, Columbus, Ohio 43224." Such comments or objections shall be filed with the division no later than thirty calendar days after the delivery of notice or after the publication date in a newspaper of general circulation in the area of review.

(b) If no objections are received within the thirty-day period, the chief shall consider that no objection exists and shall issue a permit unless he finds that the application does not comply with the requirements of Chapter 1501:9-7 of the Administrative Code, or is in violation of law, or jeopardizes public health or safety.

(c) If an objection is received, the chief shall rule upon the validity of the objection. If in the opinion of the chief, such objection is not relevant to the issues of public health or safety, or is without substance, a permit shall be issued. If the chief considers any objection to be relevant to the issues of public health or safety, or to have substance, a hearing may be called within thirty days of receipt of



the objection. Such hearing shall be held at the central office of the division or other location designated by the chief. Notice of the hearing shall be sent by the chief to the applicant and to the person who has filed the objection.

(d) If the chief finds, after hearing or upon consideration of the evidence and the application, that the following conditions have been met, the application shall be approved and a permit issued; otherwise, the chief shall reject the application:

- (i) The application complies with the requirements of this rule,
- (ii) The proposed solution mining project will not be in violation of law, and
- (iii) The proposed solution mining project will not jeopardize public health or safety.

(e) Response to comments. At the time that any final permit decision is issued, the chief shall respond to comments. This response shall:

- (i) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
- (ii) The response to comments shall be available to the public.

(I) Bonding and transfer.

(1) Authorization, by rule or permit, to construct or operate a solution mining project shall not be granted unless and until proof of financial responsibility for the project has been received and approved by the division in accordance with section 1509.07 of the Revised Code.

(2) No assignment or transfer of a solution mining permit by the project owner shall relieve the owner of his obligations and liabilities under Chapter 1509. of the Revised Code and Chapter 1501:9-7 of the Administrative Code, unless the assignee or transferee has filed, and the division has approved proof of financial responsibility for said project.



(J) Display of permit. No well for the purpose of solution mining shall be constructed until the owner has been granted a permit and unless the original permit, or a true copy thereof, is posted or displayed in a conspicuous and easily accessible place at the well site during construction.

(K) Project identification. Prior to commencing solution mining operations authorized by the permit the following information shall be posted in a conspicuous place on the project site: owner's name, lease name, county, township, and emergency telephone number. In addition, the permit number shall be displayed in a conspicuous place on or near each wellhead.

(L) Expiration of permit. Drilling operations authorized by a permit issued pursuant to Chapter 1501:9-7 of the Administrative Code shall begin within twelve months after the date of issuance of such permit. If such operations have not started within twelve months, the permit shall expire. If drilling or conversion operations have started but are not completed within the twelve month period, operations shall continue with due diligence or the permit shall expire.

(M) Change of location procedure. The location of a solution mining well shall not be changed after the issuance of a permit unless the well owner first obtains approval from the division. If a solution mining well owner requests a change of location, he shall return the original permit and file an amended application and map for the proposed new location. Drilling operations shall not commence at a new location until a proper permit has been received and posted.

(N) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of the permit.

(O) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. Neither the filing of a request by the permittee for a permit modification, revocation and reissuance, or termination; nor a notification of planned changes or anticipated noncompliance, waive any permit condition.

(P) Inspection and entry. The permittee shall allow the chief or an authorized representative to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted,



or where records must be kept under the conditions of the permit;

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

(3) Inspect, at any time, the facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and

(4) Sample or monitor, at any time, for the purposes of assuring permit compliance or as otherwise authorized by Chapter 1501:9-7 of the Administrative Code, any substances or parameters at any location.

(Q) Duration of permits. Permits for solution mining projects shall be issued for a period up to the operating life of the facility. The chief shall review each permit at least once every five years to determine whether it should be modified, revoked and reissued, or terminated. The chief may issue any permit for a duration that is less than the full allowable term under this rule.

(R) Modification, revocation and reissuance, or termination of permits.

(1) When the chief receives any information, for example, inspects the facility, receives information submitted by the permittee as required by the permit, receives a request for modification or revocation and reissuance, or conducts a review of the permit file, he may determine whether or not one or more of the causes listed in paragraph (R)(1)(a) or (R)(1)(b) of this rule for modification or revocation and reissuance or both exist. If cause exists, the chief may modify or revoke and reissue the permit accordingly subject to the limitations of paragraph (R)(1)(c) of this rule and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision, and the permit is reissued for a new term. If cause does not exist, the chief shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria for minor modifications contained in paragraph (R)(1)(c) of this rule, the permit may be modified without a draft permit or public review. Otherwise a draft permit must be prepared.

(a) Causes for modification. The following may be causes for revocation and reissuance as well as



modification.

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance that justify the application of permit conditions that are different or absent in the existing permit.

(ii) Information. The chief has received information indicating that cumulative effects on the environment are unacceptable.

(iii) New rules. The standards or rules on which the permit was based have been changed by promulgation of amended standards or rules or by judicial decision after the permit was issued.

(iv) Compliance schedules. The chief determines that good cause exists for modification of a compliance schedule such as natural disaster, strike, materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

(b) Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, to revoke and reissue a permit:

(i) Cause exists for termination, and the chief determines that modification or revocation and reissuance is appropriate.

(ii) The chief has received notification, as required in the permit, of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the date of an automatic transfer but will not be revoked and reissued after the date of the transfer except upon the request of the new permittee.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists that was unknown at the time of permit issuance.

(2) Minor modifications of permits. Upon the consent of the permittee, the chief may modify a permit to make the following corrections or allowances for changes in the permitted activity without following the procedures in paragraph (R)(1) of this rule. Minor modifications may only:



- (a) Correct typographical errors;
 - (b) Require more frequent monitoring or reporting by the permittee;
 - (c) Change an interim compliance date in a schedule of compliance provided the new date is not more than one hundred twenty days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
 - (d) Allow for a change in the ownership or operational control of a facility provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the chief;
 - (e) Change quantities or types of fluids injected if, in the judgment of the chief, such change would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classifications;
 - (f) Change construction requirements approved by the chief provided that any such alteration complies with the requirements of Chapter 1501:9-7 of the Administrative Code;
 - (g) Amend a plugging and abandonment plan;
 - (h) Change the location of a proposed solution mining well provided the area of review is not affected; or
 - (i) Authorize a change from injection to withdrawal or withdrawal to injection.
- (3) Termination of permits. The chief may terminate a permit during its term or deny a permit renewal application for the following causes:
- (a) Noncompliance by the permittee with any condition of the permit;
 - (b) The permittee's failure in the application or during the permit issuance process to disclose fully



all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

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

(4) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the chief's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in paragraph (R) of this rule. All requests shall be in writing and shall contain facts or reasons supporting the request.

(5) If the chief decides the request is not justified, he shall send the requesting party a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.

(6) If the chief tentatively decides to modify or revoke and reissue a permit under paragraph (R) of this rule, he shall prepare a draft permit incorporating the proposed changes. The chief may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the chief shall require the submission of a new application. In a permit modification under paragraph (R) of this rule only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under paragraph (R) of this rule the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding, the permittee shall comply with all conditions of the existing permit until a new final permit is reissued. Minor modifications contained in paragraph (R)(2) of this rule are not subject to the requirements of paragraph (R)(6) of this rule. If the chief tentatively decides to terminate a permit under paragraph (R)(3) of this rule, he shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit and follows the same procedures as any draft permit.

(S) Additional duties of permittee.

(1) Duty to comply. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the appropriate rule and is grounds for enforcement action;



for permit termination, revocation and reissuance, or modification; or for denial of a permit application or renewal application.

(2) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.

(3) Duty to halt or reduce activity. 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 the permit.

(4) Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(5) Duty to provide information. The permittee shall furnish, within a reasonable time specified by the chief, any information that the chief may request to determine whether cause exists for modifying, revoking and reissuing, terminating the permit or to determine compliance with the permit. The permittee shall also furnish to the chief, upon request, copies of required records.