

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
WATER QUALITY BOARD
PO BOX 144870
SALT LAKE CITY, UTAH 84114-4870

**Ground Water Discharge Permit
Permit No. UGW270012**

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended, the Act,

Crystal Peak Minerals Inc.
2150 South 1300 East, Suite 550
Salt Lake City, Utah 84106

hereafter referred to as the Permittee, is granted a Ground Water Discharge Permit for a potash (potassium sulfate) mining and processing operation in Millard County, Utah. The Crystal Peak Minerals operations and facilities will be centered at approximately Latitude 38° 56' 50.21" North, Longitude -113° 8' 25.75" West with facilities centered on the following tracts of land (Salt Lake Base and Meridian):

Name	Township	Range	Section	Latitude, Longitude
Preconcentration Ponds	11 West	20 South	35	39.023486, -113.068758
Production Ponds	12 West	24 South	3	38.755169, -113.184346
Purge Brine Storage Pond	12 West	24 South	5	38.748822, -113.218740
Tailings Storage Area	12 West	24 South	8	38.735238, -113.224953
Processing Facilities	12 West	24 South	16	38.722068, -113.199777

This permit is based on representation made by the Permittee and other information contained in the administrative record. It is the responsibility of the Permittee to read and understand all provisions of this permit.

The facility shall be constructed and operated in accordance with conditions set forth in the permit and the Utah Administrative Rules for Ground Water Quality Protection (UAC R317-6).

This permit shall become effective on October 1, 2019.

This permit and authorization to operate shall expire at midnight September 31, 2024.

Erica Brown Gaddis, PhD
Director
Utah Division of Water Quality

DWQ-2019-006709

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PART I SPECIFIC PERMIT CONDITIONS

A. GROUND WATER CLASSIFICATION

Based on ground water quality data submitted in the permit application and ground water classification terms established in Utah Administrative Code (UAC) R317-6-3, ground water at the Sevier Playa site is defined as Class IV Saline Ground Water.

Ground water from wells located away from the playa surface is classified (depending on depth and distance from the playa surface) as Class IA – Pristine Ground Water, Class II – Drinking Water Quality Ground Water, or Class III - Limited Use Ground Water.

B. GROUND WATER PROTECTION LEVELS

1. Ground Water Quality Standards - The Permittee shall comply with all Ground Water Quality Standards in R317-6-2 of the Utah Ground Water Quality Protection Rules (UAC R317-6). The ground water around the site must comply with the applicable protection level for each of the standards contained in R317-6-2 even though this permit does not require monitoring for each specific chemical listed in the Rules. Therefore, the Permittee shall not contaminate ground water by discharging compounds such as metals, leachates, acid, pesticides or volatile organic compounds not specified in the permit.

2. Ground Water Protection Levels

a. Class IA Ground Water - In accordance with UAC R317-6-4.2, Class IA ground water will be protected to the maximum extent feasible from degradation due to facilities that discharge or would probably discharge to ground water. Class IA protection levels are established in accordance with the following criteria in UAC R317-6-4.2B:

- i. Total dissolved solids may not exceed the greater of 1.25 times the background or background plus two standard deviations.
- ii. When a contaminant is not present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 0.1 times the ground water quality standard value, or the limit of detection.
- iii. When a contaminant is present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 1.25 times the background concentration, 0.25 times the ground water quality standard, or background plus two standard deviations; however, in no case will the concentration of a pollutant be allowed to exceed the ground water quality standard.

b. Class II Ground Water - In accordance with UAC R317-6-4.5, Class II ground water will be protected for use as drinking water or other similar beneficial use with conventional treatment prior to use. Class II protection levels are established in accordance with the following criteria in UAC R317-6-4.5B:

- i. Total dissolved solids may not exceed the greater of 1.25 times the background value or background plus two standard deviations.
- ii. When a contaminant is not present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 0.25 times the ground water quality standard, or the limit of detection.
- iii. When a contaminant is present in a detectable amount as a background

concentration, the concentration of the pollutant may not exceed the greater of 1.25 times the background concentration, 0.25 times the ground water quality standard, or background plus two standard deviations; however, in no case will the concentration of a pollutant be allowed to exceed the ground water quality standard.

- c. Class III Ground Water - In accordance with UAC R317-6-4.6, Class III ground water will be protected as a potential source of drinking water, after substantial treatment, and as a source of water for industry and agriculture. Class III protection levels are established in accordance with the following criteria in UAC R317-6-4.6B:
 - i. Total dissolved solids may not exceed the greater of 1.25 times the background concentration level or background plus two standard deviations.
 - ii. When a contaminant is not present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 0.5 times the ground water quality standard, or the limit of detection.
 - iii. When a contaminant is present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 1.5 times the background concentration or 0.5 times the ground water quality standard or background plus two standard deviations; however, in no case will the concentration of a pollutant be allowed to exceed the ground water quality standard. If the background concentration exceeds the ground water quality standard no statistically significant increase will be allowed.

- d. Class IV Ground Water - In accordance with UAC R317-6-4.7, protection levels for Class IV ground water will be established to protect human health and the environment. Class IV protection levels are established in accordance with the criteria in UAC R317-6-4.7:
 - i. Total dissolved solids may not exceed 1.5 times the background concentration level.
 - ii. In no case will the concentration of a pollutant be allowed to exceed the ground water quality standard due to discharge. If the background concentration of a pollutant exceeds the ground water quality standard, no statistically significant increase will be allowed.

- e. Background Ground Water Quality – Background ground water quality will be established for each well location using the methods and protocols described in the **Appendix A** (Water Monitoring Plan for the Sevier Playa Potash Project, Stantec June 2019).
 - i. Baseline ground water quality will be established at 16 existing ground water wells located throughout the project area described in **Appendix A** (Water Monitoring Plan for the Sevier Playa Potash Project, Table 3-2, Groundwater Monitoring Locations).
 - ii. Additional monitoring wells installed up- and downgradient of waste storage facilities (Purge Brine Storage Pond and Tailings Storage Area) will also require initial baseline monitoring off all field and laboratory parameters to establish background water quality conditions.
 - iii. Background water quality and Ground Water Quality Protection Levels will be calculated using a minimum of eight (8) independent background ground water samples from each monitoring well.

- f. Interim Protection Levels (**Appendix B**) – Interim ground water quality limits have been calculated for seven (7) representative ground water monitoring wells and a subset of analytes using initial water quality data. Until sufficient data (minimum of eight (8) samples) are available to calculate Ground Water Protection Levels for each analyte at each ground water monitoring well location, facility compliance will be assessed using the Interim Protection Levels.

C. PERMITTED FACILITIES AND BEST AVAILABLE TECHNOLOGY (BAT) STANDARD

1. Authorized Construction – This Permit does not authorize the construction of discharge facilities at the project site. Facilities that discharge, or would probably discharge, pollutants into ground water must obtain a Constructive Permits approved by the Director of the Division of Water Quality. Facilities that will require a Construction Permit include:
 - a. Preconcentration Ponds
 - b. Production Ponds
 - c. Purge Brine Storage Pond (Waste Product Area)
 - d. Tailings Storage Area
2. Best Available Technology (BAT) Performance Monitoring - Best available technology (BAT) for the facility will be a Discharge Minimization approach. BAT monitoring will include a minimum vertical freeboard, storage pond maximum hydraulic conductivity, and ground water quality compliance monitoring.
 - a. Minimum Vertical Freeboard – a minimum of 24 inches of vertical freeboard shall be maintained to ensure total containment of the ponds.
 - b. Maximum Liner Hydraulic Conductivity – Storage ponds will be lined with a minimum of a 24 inches of native clay with a maximum hydraulic conductivity of 1×10^{-7} centimeters per second (cm/sec).
3. Spill Containment - Any of spill purge brine off the playa surface or hazardous material that comes into contact with the ground surface or ground water that causes pollution or has the potential to cause pollution to waters of the State shall be reported in accordance with Part II.I.

D. COMPLIANCE MONITORING REQUIREMENTS

1. Compliance Monitoring Points
 - a. Compliance Wells – Monitoring wells and Well Points will serve as ground water compliance monitoring points for the aquifers. The monitoring wells and/or well points will be installed before ponds are put into operation.
 - b. Ground Water Monitoring Plan - All water quality monitoring shall be conducted in accordance with the ground water monitoring plan (**Appendix A**).
 - c. Protection of Monitoring Wells - All compliance monitoring wells must be protected from damage due to surface vehicular traffic or contamination due to

surface spills. All compliance monitoring wells shall be maintained in full operational condition for the life of this permit. Any compliance monitoring well that becomes damaged beyond repair or is rendered unusable for any reason will be replaced by the Permittee within 90 days or as directed by the Director.

2. Ground Water Compliance Monitoring

- a. Water Level Measurements – water level measurements shall be made in each monitoring well prior to any well purging or collection of ground water samples. These measurements will be made from a surveyed permanent reference point clearly demarcated on the top of the well or surface casing. Water level measurements will be made to the nearest 0.01 foot.
- b. Ground Water Quality Samples - samples of ground water from compliance monitoring wells will be collected for laboratory analysis on a quarterly basis.
 - 1) Analysis by Certified Laboratories - analysis of all ground water samples shall be performed by a laboratory certified by the Utah Department of Health.
 - 2) Ground Water Analytical Methods - methods used to analyze ground water samples must comply with the following:
 - i) Methods cited in UAC R317-6-6.3L, and
 - ii) Method detection limits are less than Ground Water Protection Levels in UAC R317-6-2.
 - 3) Analysis Parameters - the following analyses will be conducted on all ground water samples collected:
 - i) Field Parameters - pH, temperature, dissolved oxygen, turbidity and specific conductance.
 - ii) Laboratory Parameters – **Appendix A** - Combined Sampling and Analysis Plan and Quality Assurance Project Plan (SAP/QAPP) for the Sevier Playa Project (Attachment C) Table 3-2 Groundwater Analytes

E. NON-COMPLIANCE STATUS

1. Probable Out-of-Compliance Status - The Permittee shall evaluate results of each ground water sampling event to determine any exceedance of the Interim Protection Levels (**Appendix B**) or Ground Water Protection Levels found in Part I.B above. Upon determination that an Interim Protection Level or Ground Water Protection Level has been exceeded at any downgradient compliance monitoring well, the Permittee shall:
 - a. Immediately re-sample the monitoring well(s) found to be in probable out-of-compliance status for laboratory analysis of the exceeded protection level parameter(s). Submit the analytical results thereof, and notify the Director of the probable out-of-compliance status within 30 days of the initial detection.
 - b. Upon exceedance of an Interim Protection Level (**Appendix B**) for two consecutive

sampling events, immediately report the results of this sampling to the Director as soon as they are available, but not later than 30 days from each date of sampling. Site conditions and activities will be assessed to determine potential sources of the Interim Protection Level exceedances. If facility operations are determined to be a source or potential source of exceedance, accelerated monthly sampling, source and contaminant assessment and corrective action may be required by the Director.

- c. Upon exceedance a Ground Water Protection Level of any one analyte listed in **Appendix A – SAP/QAPP Table 3-2** for two consecutive sampling events, immediately implement an accelerated schedule of monthly sampling analysis, consistent with the requirements of this permit. This monthly sampling will continue for at least two months or until the compliance status can be determined by the Director. Reports of the results of this sampling will be submitted to the Director as soon as they are available, but not later than 30 days from each date of sampling.
2. Out-of-Compliance Status Based on Confirmed Exceedance of Permit Ground Water Protection Levels
- a. Out of Compliance Status shall be defined as follows:
For parameters that have been defined as detectable in the ground water and for which protection levels have been established, out-of-compliance shall be defined as two consecutive samples exceeding the protection level.
 - b. Notification and Accelerated Monitoring - upon determination by the Permittee or the Director, in accordance with UAC R317-6-6.17, that an out-of-compliance status exists, the Permittee shall:
 - 1) Verbally notify the Director of the out-of-compliance status or acknowledge Director Notice that such a status exists within 24 hours of receipt of data, and
 - 2) Provide written notice within 5 days of the determination, and
 - 3) Continue an accelerated schedule of monthly ground water monitoring for at least two months and continue monthly monitoring until the facility is brought into compliance, or as determined by the Director.
 - c. Source and Contamination Assessment Study Plan - within 30 days after the written notice to the Director required in Part II.E.2.b.2, above, the Permittee shall submit an assessment study plan and compliance schedule for:
 - 1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.
 - 2) Assessment of the extent of the ground water contamination and any potential dispersion.
 - 3) Evaluation of potential remedial actions to restore and maintain ground water quality, and ensure that the ground water standards will not be exceeded at the compliance monitoring wells.

3. Out-of-Compliance Status Based Upon Failure To Maintain Best Available Technology - In the event that BAT monitoring indicates a violation of any of the construction or performance standards outlined in Part I.C or I.D of this permit, the Permittee shall submit to the Director a notification and description of the violation in accordance with Part II.I of this permit.

F. REPORTING REQUIREMENTS

1. Quarterly Ground Water Monitoring - monitoring required in Part I.D.2 above shall be reported according to the schedule in Table 1 below, unless modified by the Director:

Table 1: Compliance Monitoring Report Schedule

<u>Quarter</u>	<u>Report Due Date</u>
1 st (January, February, March)	April 30th
2 nd (April, May, June)	July 31 st
3 rd (July, August, September)	October 31 st
4 th (October, November, December)	January 31 st

2. Water Level Measurements - water level measurements from ground water monitoring wells will be reported as measured depth to ground water from the surveyed casing measuring point, and ground water elevations as converted by casing measuring point elevations.
3. Ground Water Quality Sampling - reporting will include:
 - a. Field Data Sheets - or copies thereof, including the field measurements, required in Part I.D.2. above, and other pertinent field data, such as: well name/number, date and time, names of sampling crew, type of sampling pump or bail, volume of water purged before sampling.
 - b. Laboratory Analytical Reports - including date sampled, date received; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.
 - c. Summary of observed field conditions, groundwater depths and flow direction(s), tabulation of current and historical laboratory analytical data, and ground water quality trends and compliance.
4. Electronic Filing Requirements - In addition to submittal of the hard copy data, above, the Permittee will electronically submit the required ground water monitoring data in the electronic format specified by the Director. The data may be submitted by e-mail, compact disc, or other approved transmittal mechanism.
5. Monitoring Well As-Built Report - For each well constructed, the Permittee shall submit diagrams and descriptions of the final completion of the monitoring wells. The report is due within 60 days of the date of well completion. The report shall include:
 - a. Casing: depth, diameter, and type of material.
 - b. Screen: length, depth interval, diameter, material type, slot size.
 - c. Sand Pack: depth interval, material type and grain size.

- d. Annular Seals: depth interval, material type.
 - e. Surface Casing and Cap: depth, diameter, material type, protection measures constructed.
 - f. Elevation and Well Location: ground surface elevation, elevation of water level measuring point, latitude and longitude in hours, minutes and seconds.
 - g. Well construction description, well completion description, results of well pump tests or slug tests.
6. Final Closure Plan. In the event that the Permittee decides to discontinue its operations at the facility the Permittee shall notify the Director of such a decision and submit a Final Closure Plan within 180 days prior to the closure of the facility. The Permittee shall resubmit Final Closure Plans within 60 days of receipt of written notice of deficiencies therein. Any material changes made to this plan shall require final approval of the Director.

PART II MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. REPRESENTATIVE SAMPLING
Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.
- B. ANALYTICAL PROCEDURES
Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3.L, unless other test procedures have been specified in this permit.
- C. PENALTIES FOR TAMPERING
The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. REPORTING OF MONITORING RESULTS
Monitoring results obtained during each reporting period specified in the permit, shall be submitted to the Director, Utah Division of Water Quality at the following address:
- State of Utah
Division of Water Quality
PO Box 144870
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Section
or
Electronic reporting:
<https://deq.utah.gov/water-quality/water-quality-electronic-submissions>
- E. COMPLIANCE SCHEDULES
Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. ADDITIONAL MONITORING BY THE PERMITTEE
If the Permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.
- G. RECORDS CONTENTS
Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and,
 6. The results of such analyses.

H. RETENTION OF RECORDS

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

I. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING

1. The Permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24-hour number, (801) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (Monday through Friday 8:00 am - 5:00 pm Mountain Time).
2. A written submission shall also be provided to the Director within five (5) days of the time that the Permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. Reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring Results.

J. OTHER NONCOMPLIANCE REPORTING

Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that reports for Part II.E are submitted.

K. 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 law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

PART III COMPLIANCE RESPONSIBILITIES

A. DUTY TO COMPLY

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

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the Permittee of the civil or criminal penalties for noncompliance.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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

D. DUTY TO MITIGATE

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

E. PROPER OPERATION AND MAINTENANCE

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

PART IV GENERAL REQUIREMENTS

A. PLANNED CHANGES

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 when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.

B. ANTICIPATED NONCOMPLIANCE

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

C. PERMIT ACTIONS

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

D. DUTY TO REAPPLY

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

E. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the 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.

F. OTHER INFORMATION

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

G. SIGNATORY REQUIREMENTS

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

1. All permit applications shall be signed as follows:

- a. For a corporation: by a responsible corporate officer;
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the 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:

- a. The authorization is made in writing by a person described above and submitted

- to the Director, and,
- b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to Authorization. If an authorization under Part IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

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

H. PENALTIES FOR FALSIFICATION OF REPORTS

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. AVAILABILITY OF REPORTS

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

J. PROPERTY RIGHTS

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

K. SEVERABILITY

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

L. TRANSFERS

This permit may be automatically transferred to a new Permittee if:

1. The current Permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
3. The Director does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Paragraph 2 above.

M. STATE LAWS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-115 of the Act.

N. REOPENER PROVISION

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

1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The Permittee may apply for a variance under the conditions outlined in R317-6-6.4.D.
2. If alternative compliance mechanisms are required.
3. If subsequent ground water monitoring data reveals the background water quality values in Part I.B are not accurate.

APPENDIX A

WATER MONITORING PLAN FOR THE SEVIER
PLAYA POTASH PROJECT

(Stantec, June 2019)

APPENDIX B

INTERIM PROTECTION LEVELS