

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT RENEWAL**

**Purgatory
CLASS VI LANDFILL**

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Part 1, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder, a Permit is issued to

**ONP as facility and property owner
and
Dixie Waste Services as operator,
(Permittees)**

to own, construct, and operate the ONP-Purgatory CD Landfill located in Section 17, Township 42 South, Range 14 West, Salt Lake Base and Meridian, Washington County, Utah as shown in the Permit Renewal Application that was determined complete on February 22, 2011, tracking number 2010.02707

The Permittees is subject to the requirements of UAC R315-301 through 320 and the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this Permit becomes effective.

Effective date: May 15, 2011 .

Expiration date: May 15, 2021 .

Closure Cost Revision Date: May 15, 2016 .

Signed this 5th day of May, 2011.

Original Document signed by Scott T. Anderson on 5/5/11

Scott T. Anderson, Executive Secretary
Utah Solid and Hazardous Waste Control Board

FACILITY OWNER/OPERATOR INFORMATION

LANDFILL NAME: ONP-Purgatory CD Landfill

OWNER NAME: ONP

OWNER ADDRESS: P.O. Box 910278

OWNER PHONE NO.: (435) 673-5610

OPERATOR NAME: Dixie Waste Services

OPERATOR ADDRESS: same as above

OPERATOR PHONE NO.: same as above

TYPE OF PERMIT: Class VI Solid Waste Landfill

PERMIT NUMBER: 0404R1

LOCATION: Landfill is located in Township 42 South, Range 14 West, Range, Section 17, SLMB; Washington County, Latitude 37° 8' 0", Longitude 113° 27' 27".

FACILITY ADDRESS: 105 North Landfill Road, Washington, Washington County

PERMIT REQUIREMENTS

Permit as used in this document is defined in UAC R315-301-2(55).

The renewal application, *Purgatory Landfill Class VI Re-permit Application*, dated July 29, 2010, Tracking Number 2010.02707, as deemed complete on the date shown on the signature page of this Permit, is hereby incorporated by reference into this Solid Waste Permit and shall be referred to as the "Permit Application" throughout this Permit. All representations made in the Permit Application are part of this Permit and are enforceable under UAC R315-301-5(2). The Permit Application shall become part of the operating record of the Landfill. Where differences in wording exist between this Permit and the application, the wording of this Permit supersedes that of the application.

This Permit consists of the cover page, Facility Owner/Operator Information, Sections I through V, and the Permit Application as defined above.

The facility as described in this Permit is currently undeveloped and has no structures on site.

By this Permit to operate, the Permittees shall be subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittees shall operate the Class VI landfill in accordance with the conditions of this Permit and with all requirements of UAC R315-305 that are in effect as of the date of this Permit unless otherwise noted in this Permit. Any Permit noncompliance or noncompliance with any applicable portions of UCA 19-6-101 through 123 and applicable portions of UAC R315-301 through 320 constitutes a violation of this Permit or applicable statute or rule and is grounds for appropriate enforcement action, Permit revocation, modification, or denial of a Permit renewal application.

B. Noncompliance

If monitoring, inspection, or testing indicates that any Permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittees shall promptly make corrections to the operation or other activities to bring the facility into compliance with all Permit conditions or rules.

In the event of any noncompliance with any Permit condition or violation of an applicable rule, the Permittees shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility.

The Permittees shall document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered. Permittees shall notify the Executive Secretary of the Solid and Hazardous Waste Control Board by telephone within 24 hours, or the next business day following documentation of the event. Permittees shall give written notice of the noncompliance or violation and measures taken to protect human health and the environment within seven days of Executive Secretary notification.

Within thirty days of the documentation of the noncompliance, the Permittees shall submit to the Executive Secretary a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon review of the assessment report, the Executive Secretary may order the Permittees to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

In an enforcement action, the Permittee may not claim as a defense that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with UAC R315-301 through 320 and this Permit.

Compliance with this Permit does not constitute a defense to actions brought under any other local, state, or federal laws. This Permit does not exempt the Permittees from obtaining any other local, state or federal permits or approvals required for the facility operation.

The issuance of this Permit does not convey any property rights, other than the rights inherent in this Permit, in either real or personal property, or any exclusive privileges other than those inherent in this Permit. Nor does this Permit authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations including zoning ordinances.

The provisions of this Permit are severable. If any provision of this Permit is held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

C. Inspection and Inspection Access

The Permittees shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, or representatives from the Southwest Public Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of this Permit or UAC R315-301 through 320;

3. Inspect any loads of waste, treatment facilities or processes, pollution management facilities or processes, or control facilities or processes required under this Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

D. Prohibited Waste

1. Hazardous waste as defined by UAC R315-1 and R315-2;
2. PCB's as defined by UAC R315-301-2(53), except construction/demolition waste containing PCB's as specified by UAC R315-315-7(2)(a) and (c);
3. Household waste, except waste resulting from the abatement, rehabilitation, renovation and remodeling of homes and other residences;
4. Municipal waste;
5. Special waste, except as specified in this Permit;
6. Commercial waste;
7. Regulated asbestos-containing material;
8. Industrial waste;
9. Containers larger than household size (five gallons) holding any liquid, non-containerized material containing free liquids or any waste containing free liquids in containers larger than five gallons.
10. Dead animals

Any prohibited waste received and accepted for treatment, storage, or disposal at the facility shall constitute a violation of this Permit, of UCA 19-6-101 through 123 and of UAC R315-301 through 320.

E. Acceptable Waste

1. Construction/demolition waste, as defined in UAC R315-301-2(17);
2. Yard waste, as defined in UAC R315-301-2(87);
3. Inert waste, as defined in UAC R315-301-2(37); and
4. Petroleum contaminated soils as allowed in UAC R315-315-8(3).

F. Revocation

This Permit is subject to revocation if any condition of this Permit is not being met. The Permittees shall be notified in writing prior to any proposed revocation action and such action shall be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.

As part of the revocation the Executive Secretary shall exercise the option to require payment of funds under the financial assurance mechanism held by the Executive Secretary.

G. Attachments Incorporation

Attachments to the Permit Application are incorporated by reference into this Permit and are enforceable conditions of this Permit, as are documents incorporated by reference into the attachments. Language in this Permit supersedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Construction

The landfill shall be constructed according to the design outlined in the Permit Application and in the area designated in the Permit Application, including landfill cells, fences, gates, and berms prior to acceptance of waste.

The Permittees shall notify the Executive Secretary upon completion of construction of any landfill cells or run-on and run-off diversion systems. No landfill cells or run-on and run-off diversion system may be used until construction is approved by the Executive Secretary.

The Permittees shall notify the Executive Secretary of the completion of construction of any final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Executive Secretary.

All engineering drawings submitted to the Executive Secretary shall be stamped by a professional engineer with a current registration in Utah.

B. Run-On Control

Perimeter drainage channels and berms shall be constructed as specified in the Permit Application. These channels shall be maintained at all times to effectively prevent run-off from the surrounding property from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the Permit Application and this Permit shall be kept on site at the landfill or at the location designated in Section III-G of this Permit. The landfill shall be operated in accordance with the Operations Plan. If necessary, the Permittees may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320, is as protective of human health and the environment as that approved in the Permit Application, and is approved by the Executive Secretary as a minor modification under UAC R315-311-2(1)(a)(xiii). Any modification to the Operations Plan shall be noted in the operating record.

Any modification to the Operations Plan shall be submitted to the Executive Secretary for approval and is considered a minor permit modification in compliance with UAC R315-311-2(1)(a)(xiii) unless the Executive Secretary determines the change should be subject to public comment under UAC R315-311-2(1)(b).

B. Security

The Permittees shall operate the Landfill so that unauthorized entry to the facility is restricted. All facility gates and other access routes shall be locked during the time the landfill is closed. At least 1 person employed by the Permittees, shall be at the landfill during all hours that the landfill is open. Fencing and any other access controls as shown in the Permit Application shall be constructed to prevent access of persons or livestock by other routes.

C. Waste Inspections

The Permittees shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this Permit are disposed in the landfill. A complete waste inspection shall be conducted at a minimum frequency of 1 % of loads received, but no less than one complete inspection per day. Loads to be inspected shall be selected on a random basis.

All loads suspected or known to have one or more containers capable of holding more than five gallons of liquid shall be inspected to ensure that each container is empty.

All loads that the operator suspects may contain a waste not allowed for disposal at the landfill shall be inspected.

Complete inspections shall be conducted as follows:

1. The operator shall conduct the random waste inspection at the working face or an area designated by the operator;
2. Loads subjected to complete inspection shall be unloaded at the designated area;
3. Loads shall be spread by equipment or by hand tools;
4. A visual inspection of the waste shall be conducted by personnel trained in hazardous waste recognition and recognition of other unacceptable waste; and
5. The inspection shall be recorded on the waste inspection form in Appendix C of the Permit Application. The form shall be placed in the operating record at the end of the operating day.

D. Cover

The Permittees shall cover the waste as necessary to prevent fires and to control vectors, blowing litter, odor, scavenging, and fugitive dust. Wastes that are capable of attracting or providing food for vectors, materials that may become windblown litter, or fine materials that may become fugitive dust shall be covered with a minimum of six inches of earth at the end of the working day in which they are received. An alternative cover material may be used when the material and operation meets the requirements of UAC R315-303-4(4)(b) through (d) or when the alternative daily cover meets the requirement of UAC R315-303-4(4)(e).

A minimum of six inches of earthen cover shall be provided no less than once each month for all other wastes received at the landfill. This cover shall consist of soil, no alternative may be used.

Covering of waste shall be done every 30 days unless a request is petitioned to the Executive Secretary. When soil or an alternative cover is placed on the waste, the amount and type and the area receiving cover shall be recorded in the operating record and certified in signature by the operator.

E. Roads

All access roads within the landfill boundary shall be improved and maintained as necessary to ensure safe and reliable all-weather access.

F. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-4(2)(b). All accidental fires shall be extinguished as soon as possible.

G. Record Keeping

The Permittees shall maintain and keep on file at the landfill at 105 North Landfill Road in Washington a daily operating record and other general records of landfill operation as required by UAC R315-302-2(3). The landfill operator, or other designated personnel, shall date and sign the daily operating record at the end of each operating day. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed.

1. The daily operating record shall include the following items:
 - a. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;
 - b. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
 - c. Results of other monitoring required by this Permit recorded in the operating record on the day of the event or the day the information is received;

- d. Records of all inspections conducted by the Permittees, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event;
2. The general record of landfill operations shall include the following items:
- a. A copy of the Permit including the Permit Application;
 - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board representatives of the Southwest Public Health Department, or both when forwarded to the Permittees;
 - c. Closure and Post-closure care plans; and
 - d. Records of employee training

H. Reporting

The Permittees shall prepare and submit to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism, and all training programs completed.

I. Self Inspections

The Permittees shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health or the environment. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, compaction, and cover; fences and access controls; roads; run-on/run-off controls; intermediate cover; litter controls; and records. A record of the inspections shall be placed in the daily operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected in a timely manner. The corrective actions taken shall be documented in the daily operating record.

J. Training

The Permittees shall provide training for on-site personnel in landfill operation, including waste load inspection, hazardous waste identification, and personal safety and protection.

IV. CLOSURE REQUIREMENTS

A. Closure

The Permittees shall close and maintain the facility in accordance with the closure and post-closure plans included in the Permit Application and as required by R315-305-5(5) UAC.

B. Title Recording

The Permittees shall meet the requirements of UAC R315-302-2(6) by recording a notice with the Washington County Recorder as part of the record of title that the property has been used as a landfill. The notice shall include waste disposal locations and types of waste disposed.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the Permit Application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

A financial assurance mechanism, that meets the requirements of UAC R315-309, covering closure and post-closure care costs shall be proposed by the Permittees, submitted to the Executive Secretary, and Executive Secretary approval received prior to receipt of waste. The Permittees, prior to receipt of waste, shall establish the approved mechanism and fund it as required. The financial assurance mechanism(s) shall be adequately maintained to provide for the cost of closure at any stage or phase or anytime during the life of the landfill or the permit life, whichever is shorter, and shall be fully funded within ten years of the date waste is first received at the landfill. The Permittees shall keep the approved financial assurance mechanism in effect and active until closure and post-closure care activities are completed and the Executive Secretary has released the facility from all post-closure care requirements.

If a trust fund is chosen as the financial assurance method the first payment to the fund shall be 10% of the estimated closure and post-closure care costs. If a trust fund is used, annual payments shall be determined by the following formula:

$$NP=[CE-CV]/Y$$

where NP is the next payment, CE is the current cost estimate for closure and post-closure care (updated for inflation or other changes), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

The Permittees shall notify the Executive Secretary of the establishment of the approved financial assurance mechanism and shall receive acknowledgment from the Executive Secretary that the established mechanism complies with the approved method prior to the acceptance of waste.

E. Financial Assurance Annual Update

An annual revision of closure and post-closure costs for inflation and financial assurance funding as required by R315-309-2(2), shall be submitted to the Executive Secretary as part of the annual report.

F. Closure Cost and Post-Closure Cost Revision

The Permittees shall submit a complete revision of the closure and post-closure cost estimates by the Closure Cost Revision Date listed on the signature page of this Permit any time the facility is expanded, any time a new cell is constructed, or any time a cell is expanded.

V. ADMINISTRATIVE REQUIREMENTS

A. Transfers

This Permit may be transferred to a new permittee or new permittees by meeting the requirements of the permit transfer provision specified in UAC R315-310-11.

B. Permit Modifications

Modifications to this Permit may be made upon application by the Permittees or by the Executive Secretary. The Permittees shall be given written notice of any permit modification initiated by the Executive Secretary. Acceptance of any waste type not allowed by UAC R315-305-1 shall require a new Permit Application and meeting the requirements of UAC R315-310-3(1), (2), & (3); R315-310-4; and R315-310-5.

C. Expiration

Application for Permit renewal shall be made at least six months prior to the expiration date, as shown on the signature (cover) page of this Permit. If a timely

renewal application is made and the Permit renewal is not complete by the expiration date, this Permit shall continue in force until renewal is completed or denied.

D. Expansion

This Permit is for the operation of a Class VI Landfill according to the design and Operation Plan described and explained in the Permit Application. Any expansion of the current footprint designated in the description contained in the Permit Application, but within the property boundaries designated in the Permit Application, shall require submittal of plans and specifications to the Executive Secretary. The plans and specifications shall be approved by the Executive Secretary prior to construction.

Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the Permit Application shall require submittal of a new Permit Application in accordance with the requirements of UAC R315-310. Expansion of the landfill site outside the boundaries shown on the initial Permit Application shall require a new Permit Application and satisfying the requirements of UAC R315-310-3(1), (2), & (3); R315-310-4; and R315-310-5.

Any addition to the list of acceptable waste in Section IE will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary. Acceptance of any waste type not allowed by UAC R315-305-1 will require the Permittees to submit a new Permit Application and meet all applicable requirements of UAC R315-310 including R315-310-3(3).

E. Status Notification

Eighteen months from the date of this Permit the Executive Secretary shall be notified in writing of the status of the construction of this facility unless construction is complete and operation has commenced. If construction has not begun within 18 months the Permittees shall submit adequate justification to the Executive Secretary as to the reasons that construction has not commenced. If no submission is made or the submission is judged inadequate by the Executive Secretary, this Permit shall be revoked.

F. Construction Approval and Request to Operate

The Permittees shall meet each of the following conditions prior to receipt of waste:

1. The Permittees shall notify the Executive Secretary, prior to acceptance of waste, that all the requirements of this Permit have been met and all required facilities, structures and accounts are in place as required.
2. The Permittees shall submit to the Executive Secretary, for approval, documentation that all local zoning requirements and local government approvals have been obtained for operation of this landfill.
3. The Permittees shall submit to the Executive Secretary, prior to the construction of any portion of the landfill; including offices, fences, and gates; documentation that the Permittees owns or has a lease that allows this property to be used as a landfill.
4. The Permittees shall not construct any portion of the landfill where the bottom elevation is below 2710 feet above mean sea level. If any part of the landfill is constructed below this elevation, the Permittees shall demonstrate that the lowest layer of non-inert waste is greater than 10 feet from the historic high ground water elevation. The Permittees shall submit documentation of this demonstration for approval by the Executive Secretary.
5. The Permittees shall obtain from the Executive Secretary written approval, prior to receipt of waste, that all information required by this section has been submitted and the information meets the requirements of this Permit and R315-301 through 320.