



State of Utah

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Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
Scott T. Anderson
Director

November 23, 2015

Mike Dunn, President
Dunn Construction Company, LLC
679 North 1500 West
Orem, UT 84757

RE: Dunn Five Mile Pass Class VI Modified Landfill Permit

Dear Mr. Dunn:

Enclosed is the modified Permit (No. 1203) for the Dunn Five Mile Pass Class VI landfill. A 30-day public comment period regarding the modification of the Permit to add a Phase II Landfill Cell was held from October 6, 2015 to November 6, 2015. No comments were received.

This Permit expires on March 6, 2023. Please note that R315-311-1(a)(a) of the Utah Administrative Code requires an application for renewal 180 days before the expiration date.

Representatives of the Division of Waste Management and Radiation Control or the Central Utah Public Health Department will conduct periodic inspections to assess compliance with the conditions of the Permit and the Solid Waste Permitting and Management Rules.

If you have any questions, please call Rob Powers at (801) 536-0255.

Sincerely,

Scott T. Anderson, Director
Division of Waste Management and Radiation Control

STA/RDP/kl

Enclosure: Class VI modified landfill Permit (DSHW-2015-011425)

c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department
Bryan Slade, Environmental Health Director, Tooele County Health Department

DSHW-2015-011426

**DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL
SOLID WASTE PERMIT**

**DUNN FIVE MILE RECYCLE
CLASS VI LANDFILL**

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

DUNN CONSTRUCTION, LLC as owner and operator,

to own, construct, and operate the Dunn Five Mile Pass Class VI landfill located in Section 4 and 5, Township 7 south, Range 3 west, Salt Lake Base and Meridian, Tooele County, Utah as shown in the Permit Application that was determined complete on January 17, 2013 (tracking #2013-001321).

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

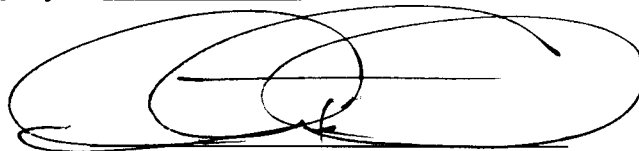
All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this Permit becomes effective.

This Permit shall become effective: March 6, 2013.

This Permit shall expire at midnight: March 6, 2023.

Closure Cost Revision Date: March 6, 2018.

Signed this 6th day of March, 2013.



Scott T. Anderson, Director
Division of Waste Management and Radiation Control

Modification signed this 25th day of Nov 2015

FACILITY OWNER/OPERATOR INFORMATION

LANDFILL NAME: Dunn Five Mile Pass Landfill

OWNER NAME: Mike Dunn of Dunn Construction LLC

OWNER ADDRESS: 679 North 1500 West
Orem, Utah 84057

OWNER PHONE NO.: (801) 221-9001 or (801) 420-1464

TYPE OF PERMIT: Class VI Landfill

PERMIT NUMBER: 1203

LOCATION: Landfill site is located in Township 7 south, Range 3 west, Section 4 and 5, SLMB(USM for some locations in Uintah and Duchesne counties); Tooele County, Lat. 40° 14' 22", Long. 112° 11' 21"

FACILITY ADDRESS: Approximately 4,700 feet northwesterly of Hwy. 73 and the Tooele County line.

PERMIT HISTORY Permit signed March 6, 2013
Permit Modification #1 is a request to the allow acceptance of construction and demolition waste from the general public. The modification was submitted on January 9, 2014 (tracking no. 2014.001543) and was approved on March 10, 2014. These changes are reflected in the Permit Application as incorporated in this permit.
Permit Modification #2 is approval for landfilling operations into the Phase II waste cell at the Class VI landfill.

PERMIT REQUIREMENTS

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

The application, 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 signature page, Facility Owner/Operator Information section, Sections I through V and the Permit Application and all subsequent approved modification requests as defined above.

The facility as described in this Permit consists of two Class VI disposal cells.

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 Permittee 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.

By this Permit, the Permittee is subject to the following conditions:

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

This Permit is for the operation of a Class VI Landfill as defined by UAC R315-301-2(12). The landfill may not begin operations as a commercial landfill until the Director has received documentation that the Permittee has received approval from the local government, the Utah State Legislature, and the Governor of Utah. Prior to the start of operations as a commercial landfill, the Permittee shall receive written approval from the Director to accept waste.

The Permittee 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 noncompliance with the Permit or noncompliance with any applicable portions of 19-6-101 through 125 of the Act 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 or modification.

B. 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);
4. Waste tires, when the requirements of UAC R315-320 are met;

5. Petroleum contaminated soil as allowed in UAC R315-315-8; and
6. Waste Asphalt.

C. Prohibited Waste

1. Hazardous waste as defined by UAC R315-1 and R315-2;
2. PCBs as defined by UAC R315-301-2(53), except PCBs defined 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. Regulated asbestos-containing material;
7. Industrial waste;
8. Commercial waste; and
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.

Any prohibited waste received and accepted for disposal at the facility shall constitute a violation of this Permit, of 19-6-101 through 125 of the Act and of UAC R315-301 through 320.

D. Inspections and Inspection Access

The Permittee shall allow the Director of the Division of Solid and Hazardous Waste or an authorized representative, or representatives from the Tooele County 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, video, electronic or any other reasonable means.

E. 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 Permittee 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 noncompliance with any permit condition or violation of an applicable rule, the Permittee 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 Permittee shall:

1. Document the noncompliance or violation in the operating record on the day the event occurred or the day it was discovered;
2. Notify the Director by telephone within 24 hours or the next business day following documentation of the event; and
3. Give written notice of the noncompliance or violation and measures taken to protect human health and the environment within seven days of notifying the Director.

Within thirty days of the documentation of the event, the Permittee shall submit to the Director 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 receipt and review of the assessment report, the Director may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Director.

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.

F. Revocation

This Permit is subject to revocation if any condition of this Permit is not being met. The Permittee 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 R305-7 and the Utah Administrative Procedures Act.

As part of the revocation, the Director may exercise the option to require payment of funds under the financial assurance mechanism held by the Director.

G. Attachment 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. Design and 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 Permittee shall notify the Director 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 Director.

The Permittee shall notify the Director 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 Director.

If ground water is encountered during excavation of the landfill, the Director shall be notified immediately and a contingency plan implemented or alternative construction design developed and submitted for approval.

B. Run-On Control

Drainage channels and diversions shall be constructed as specified in the Permit Application and maintained at all times to effectively prevent runoff from the surrounding area from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the Permit Application shall be kept on site at the landfill or at the location designated in section III-H of this Permit. The landfill shall be operated in accordance with the Operations Plan. If necessary, the Permittee 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 the Operations Plan approved as part of this Permit, and is approved by the Director 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.

B. Security

The Permittee 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 one person employed by the Permittee 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 by persons or livestock by other routes.

C. Training

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

D. 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 reasonably possible.

E. Daily Cover

The Permittee 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 meet 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.

At the end of each calendar month of operation, when soil or an alternative cover is placed, the amount and type of cover placed and the area receiving cover shall be recorded in the operating record and certified by the operator

F. Waste Inspections

The Permittee 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 incoming loads, 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 random 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;
5. The inspection shall be recorded on the waste inspection form in Appendix J of this Permit Application. The form shall be placed in the operating record at the end of the operating day; and
6. Any waste found that is not acceptable at the facility shall be sent to an approved disposal site for the waste type and handled according to the rules covering the waste type.

G. Self Inspections

The Permittee 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, cover, fences and access

controls, roads, run-on/run-off controls, 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 shall be documented in the daily operating record.

H. Recordkeeping

The Permittee shall maintain and keep on file at the main office at Dunn Construction LLC in Orem, Utah, 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.

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. Records of all inspections conducted by the Permittee, 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 this Permit including the Permit Application;
 - b. Results of inspections conducted by representatives of the Division of Waste Management and Radiation Control and/or representatives of the Tooele County Health Department, when forwarded to the Permittee;
 - c. Closure and Post-closure care plans; and
 - d. Records of employee training.

I. Reporting

The Permittee shall prepare and submit to the Director an Annual Report as required by 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.

J. Roads

All access roads within the landfill boundary that are used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to ensure safe and reliable all-weather access to the disposal area.

K. Litter Control

The Permittee shall minimize litter resulting from operations of the landfill. In addition to the litter control plans found in the Permit Application, the Permittee shall implement the following procedures when high wind conditions are present:

1. Reduce the size of the tipping face;
2. Reduce the number of vehicles allowed to discharge at the tipping face at one time;
3. Orient vehicles to reduce wind effects on unloading and waste compaction;
4. Reconfigure tipping face to reduce wind effect;
5. Use portable and permanent wind fencing as needed; and
6. Should high winds present a situation that the windblown litter cannot be controlled, cease operations of the landfill until the winds diminish.

IV. CLOSURE REQUIREMENTS

A. Closure

Final cover of the landfill shall be as shown in the Permit Application. The final cover shall meet, at a minimum, the standard design for closure as specified in UAC R315-305-5(5)(b).

B. Title Recording

The Permittee shall meet the requirements of UAC R315-302-2(6) by recording a notice with the Tooele 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. The Permittee shall provide the Director a copy of the notice as recorded.

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

The Permittee/s shall keep in effect and active the currently approved financial assurance mechanism or another approved mechanism that meets the requirements of R315-309 of the Utah Administrative Code and is approved by the Director to cover the costs of closure and post-closure care at the landfill. The Permittee shall adequately fund and maintain the financial assurance mechanism to provide for the cost of closure and post-closure until termination of financial assurance in accordance with R315-309-11 of the Utah Administrative Code.

E. Financial Assurance Annual Update

The Permittee shall submit an annual revision of closure and post-closure costs for inflation and financial assurance funding as required by UAC R315-309-2(2) to the Director as part of the annual report.

F. Closure Cost and Post-Closure Cost Revision

The Permittee 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 and any time the facility is expanded, any time a new cell is constructed or any time a cell is expanded.

V. ADMINISTRATIVE REQUIREMENTS

A. Permit Modification

Modifications to this Permit may be made upon application by the Permittee or by the Director. The Permittee shall be given written notice of any permit modification initiated by the Director.

B. Permit Transfer

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

C. Expansion

This Permit is for the operation of a Class VI Landfill according to the design and Operations 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 Director. The plans and specifications shall be approved by the Director 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 UAC R315-310.

Any addition to the acceptable wastes described in Section I-B shall require a permit modification in accordance with UAC R315-311.

D. 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.

E. Construction Approval and Request to Operate

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

1. The Permittee shall notify the Director that all the requirements of this Permit have been met and all required facilities, structures and accounts are in place as required.
2. The Permittee shall submit to the Director for approval, documentation that all local zoning requirements and local government approvals have been obtained for operation of this landfill.
3. The Permittee shall not construct any portion of the landfill where the bottom elevation is below 10 feet above the ground water elevation. If any part of the landfill is constructed below this elevation, the Permittee shall demonstrate that the lowest layer of non-inert waste is greater than 10 feet from the historic high ground water elevation. The Permittee shall submit documentation of this demonstration for approval by the Director.
4. The Permittee shall demonstrate to the Director that he has the right, through ownership or lease of the landfill property, to use the area within the permitted boundaries as a landfill.
5. The Permittee shall obtain from the Director written approval that all information required by this section has been submitted and the information meets the requirements of this Permit and UAC R315-301 through 320.