



State of Utah

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Executive Secretary

June 13, 2013

Darin Olson, Environmental Manager
ECDC Environmental LC
P.O. Box 69
East Carbon, Utah 84520

RE: ECDC Permit Modification to Accept PCB Wastes

Dear Mr. Olson:

The Division of Solid and Hazardous Waste has completed its review of the comments received during the public comment period regarding ECDC's request to modify its Class V permit (#9422R1) to accept PCB wastes. The Division's "Response to Comments" document and the final Permit that allows ECDC to accept PCB waste are enclosed. The enclosed Permit also includes Division-initiated modifications to replace references to the "Executive Secretary" with "Director" to reflect recent changes in the Utah Solid and Hazardous Waste Act.

While the modified Permit enclosed with this letter allows ECDC to accept PCB wastes under Utah rules, please be advised that final approval of the PCB cell from the EPA will be required before waste can be accepted.

If you have any questions, please call Roy Van Os at (801) 536-0245.

Sincerely,

Scott T. Anderson, Director
Division of Solid and Hazardous Waste

STA/RVO/kk

Enclosure: Modified Permit #9244R1
Response to Comments (DSHW-2013-002699)

c: David Cunningham, RN, MSN, Health Officer, Southeastern Utah Health Department

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Bradon C. Bradford, MSPH, REHS, Environmental Health Director, Southeastern Health
Department
David Ariotti, P.E., District Engineer

SOLID WASTE PERMIT RENEWAL

**ECDC Environmental, L.C.
CLASS V LANDFILL
Permit #9422R1
(Modified 2012 to Accept PCB Wastes)**

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Part 1, Utah Code Annotated (Utah Code Ann. §) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (Utah Admin. Code) R315-301 through 320 adopted thereunder,

ECDC Environmental, L.C., as Owner and Operator

is hereby approved to operate the ECDC Class V Landfill located in Township 15 South, Range 13 East, Salt Lake Base and Meridian, Carbon County, Utah and within the city limits of East Carbon City as shown in the permit renewal application that was determined complete on August 31, 2007. A complete legal description of the landfill location is incorporated in the permit application.

The operation of the landfill is subject to the condition that ECDC Environmental, L.C. (Owner and Operator) meet the requirements set forth herein.

All references to Utah Admin. Code R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

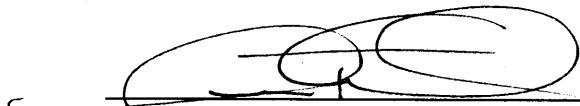
This permit shall become effective November 1, 2007.

This permit shall expire at midnight October 31, 2017.

Closure cost revision date November 1, 2012.

Signed this 1st day of November, 2007

Modified on 13th day of June, 2013



Scott T. Anderson, Director
Utah Division of Solid and Hazardous Waste

PERMIT REQUIREMENTS

LANDFILL NAME: ECDC Environmental, L.C. Class V Landfill

OWNER NAME: ECDC Environmental, L.C.

OWNER ADDRESS: 1111 West Highway 123
P.O. Box 69
East Carbon, Utah 84520

OWNER PHONE NO.: (801) 888-4451

TYPE OF PERMIT: Class V Landfill

PERMIT NUMBER: 9422R1

LOCATION: Landfill site is located in Township 15 South, Range 13 East, Sections 7, 8, 9, 10, 16, 17, and 18, SLMB; Carbon County, Lat. 39° 31' 40", Long. 110° 28' 33"

PERMIT HISTORY: Permit renewal signed November 1, 2007
Permit modification #1 to accept PCB waste and Agency- initiated modification to replace Executive Secretary with Director signed June 13, 2013

The term "Permit" as used in this document is defined in Utah Administrative Code (Utah Admin. Code) R315-301-2(55).

The renewal application, including the documents listed in the table below, as deemed complete on August 31, 2007 hereby incorporated by reference into this Solid Waste Permit and will 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 Utah Admin. Code 315-301-5(2).

Class V Landfill Permit Application	Document #01.000631	February 21, 2001
Alternative Final Cover Demonstration	Document #05.01852	May 17, 2005
Alternative Final Cover Demonstration Supplement	Document #05.04064	December 22, 2005

2005 Closure, Post-Closure Care and Post-Closure Investment Costs for the ECDC Facility	Document #05.01748	May 6, 2005
Groundwater Monitoring	Document #07.00349	January 25, 2007
Operations Plan	Document #06.01899	June 22, 2007
Alternative Liner Design	Document #07.01511	May 15, 2007
<u>Chemical Waste Landfill Permit Application Initial Report</u>	<u>Document #11.02641</u>	<u>December 7, 2011</u>
<u>PCB Management Plan</u>	<u>Document #13.002471</u>	<u>October 2012</u>
<u>Chemical Waste Landfill Permit Application Groundwater Impact Assessment</u>	<u>Document #13.002471</u>	<u>September 2012</u>

The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the permit application, the wording of the permit supersedes that of the permit application.

The facility as described in this permit consists of following buildings:

1. Management office, bathhouse;
2. Maintenance building;
3. Railroad car rotary dump;
4. Heat/thawing building;
5. Wash facility;
6. Railroad car bottom dump and washout facility;
7. Intermodal yard;
8. Container heat shed;
9. Solidification facility and drum dock; and
10. Truck and rail sheds.

The facility also incorporates the following disposal cells for all permitted waste:

1. Cell 7 (undergoing final cover);
2. Cell 10 (currently not accepting waste, under intermediate cover awaiting final cover and closure);
3. SuperCell 1 (Actively accepting waste, currently completing Subcells 1A East and 1A West)
4. SuperCell 8 (Proposed to accept PCB wastes regulated by EPA Region 8 and Utah Admin. Code R315-315-7(3)(b).

ECDC does not operate a Class IV disposal cell, dead animal disposal cell, any other special waste disposal cells except as stated above, or areas for storage of recyclable materials, green waste, and composting.

By this permit to own and operate, the Permittee is subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the landfill in accordance with all applicable requirements of Utah Admin. Code R315-302 and 303, for a Class V landfill, 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 Utah Code Ann. §§ 19-6-101 through 123 and applicable portions of Utah Admin. Code R315-301 through 320 constitutes a violation of the permit or applicable statute or rule and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

B. Acceptable Waste

This permit is for the disposal of non-hazardous solid waste that may include municipal solid waste, commercial waste, industrial waste, construction/demolition waste, and special waste as allowed by Utah Admin. Code R315-315.

The Permittee may accept conditionally exempt small quantity generator hazardous waste as specified in Utah Admin. Code R315-303-4(7)(a)(i)(B) and PCB's as specified by Utah Admin. Code R315-315-7(2). For landfill cells that have received approval to accept PCBs from EPA Region 8, the Permittee may accept wastes as specified in Utah Admin. Code R315-315-7(3)(b).

C. Prohibited Waste

No hazardous waste as defined by Utah Admin. Code R315-1 and R315-2, PCB's as defined by Utah Admin. Code R315-301-2, except as allowed in Section I.B (Acceptable Waste) of this permit, or radioactive wastes as determined in Section VI of this permit may be accepted for treatment, storage, or disposal at the landfill. For landfill cells that have been approved by EPA Region 8 to receive PCB wastes, no wastes that could mobilize PCBs are allowed to be disposed in the cell. Furthermore, liquid organic solvents less than five gallons that may be included in conditionally exempt or municipal waste are prohibited from direct disposal and must be solidified prior to disposal.

Any prohibited waste received and accepted for treatment, storage, or disposal at the facility will constitute a violation of this permit, of Utah Code Ann. § 19-6-101 through 123 and of Utah Admin. Code R315-301 through 320.

D. Inspections and Inspection Access

The Permittee shall allow Director of the Utah Division of Solid and Hazardous Waste or an authorized representative of the Director, including representatives from the Southeastern Utah District 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 Utah Admin. Code 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 Utah Admin. Code 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 Utah Admin. Code R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

E. Noncompliance

If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under Utah Admin. Code 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 any 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: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Director of the Division of Solid and Hazardous Waste by phone within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Director notification.

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 Utah Admin. Code R315-301 through 320 and this permit.

Compliance with the terms of 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 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 including zoning ordinances.

The provisions of this Permit are severable. If any provision of this permit shall be 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.

F. Revocation

This permit is subject to revocation if any condition of this permit is not being met. The Permittee will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under Utah Admin. Code R305-7 and the Utah Administrative Procedures Act.

Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility on the part of the permittee for completion of closure and post-closure care for the facility required in Utah Admin. Code R315-302-3.

Revocation of this permit will necessitate that the Director exercise the option to require the funds or other mechanism provided for financial assurance for completion of closure and post-closure care for the facility required in Utah Admin. Code R315-302-3 be called.

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.

H. Impact to Raptors and Wildlife

ECDC shall work with the U.S. Fish and Wildlife Service (FWS) and the Utah Division of Wildlife Resources (UDWR) in the assessment of the potential impact of PCB disposal activities on raptors and other wildlife.

II. DESIGN AND CONSTRUCTION

A. Design and Construction

The Permittee shall construct any landfill cell, sub-cell, run-on and runoff diversion system, waste treatment facility, or final cover in accordance with the alternative/equivalent design submitted as part of the permit application described in Document #07.01511 and in accordance with the Utah Solid Waste Permitting and Management Rules Utah Admin. Code R315-301 thru 320.

The Permittee shall construct any landfill cell that accepts PCB wastes as described in Utah Admin. Code R315-315-7(3)(b) in accordance with the design proposed in the document "Chemical Waste Landfill Permit Application", #SW2011.02461, dated December 7, 2011.

Prior to construction of any landfill cell, sub-cell, engineered control system, waste treatment facility, or final cover the Permittee shall submit construction design drawings and a Construction Quality Control and Construction Quality Assurance (CQC/CQA) Plan to the Director for approval. Buildings do not require approval. The Permittee shall construct any landfill cell, sub-cell, cell

liner, engineered control system, waste treatment facility, and the final cover in accordance with the design drawings and CQC/CQA Plans submitted and approved by the Director.

Subsequent to construction the Permittee shall notify the Director of completion of construction of any landfill cell, sub-cell, engineered control system, waste treatment facility, or final cover. Landfill cells may not be used for treatment or disposal of waste until all CQC/CQA documents and construction related documents, including as-built drawings, are approved by the Director. The Permittee shall submit as-built drawings for each construction event that are signed and sealed by an engineer registered in the State of Utah.

The Permittee shall notify the Director of any proposed incremental closure, placement of any part of the final, or placement of the full final cover. Construction of any portion of the final cover shall be considered as a separate construction event and shall be approved separately from any other construction or expansion of the landfill. Design approval must be received from the Director prior to construction and must be accompanied by a CQC/CQA Plan, for each construction season where incremental or final closure is performed.

A qualified independent third party shall perform the quality assurance function on liner components, cover components, and other testing as required by the approved CQC/CQA Plan. The results must be submitted as part of the as-built drawings to the Director.

All engineering drawings submitted to the Director must be stamped and approved by a professional engineer with a current registration in Utah.

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 landfill as well as any run on from surrounding area from entering the landfill.

C. Equivalent Design

This facility has demonstrated through geologic, hydrogeologic, climatic, waste stream, and other factors that the landfill will not contaminate ground water and is approved for the alternative design as outlined in the permit application for all cells other than the PCB cell. Any contamination of ground water resulting from operation of the landfill may result in the revocation of this alternative design approval. The basis for approval of the alternative design is found in the "Alternative Design Statement of Basis" found in Appendix A of this permit.

ECDC has permitted the PCB cell (TSCA cell) through EPA and has provided a cell design that meets the requirements of EPA Region 8 and exceeds the landfill design standards of the currently permitted cells. The PCB cell shall be constructed in accordance with the design found in the “Chemical Waste Permit Application.”

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the permit application and the solid waste permit issued by the Director shall be kept onsite at the landfill. The landfill shall be operated in accordance with the operations plan as included in the permit application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of Utah Admin. Code 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 Director as a minor modification under Utah Admin. Code 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 must be submitted to the Director for approval and is considered a minor permit modification in compliance with Utah Admin. Code R315-311-2(1)(a)(xiii) unless the Director determines the change should be subject to public comment under Utah Admin. Code R315-311-2(1)(a)(xviii).

The updated Operation Plan that includes all operational processes and procedures developed to accept PCB wastes as submitted in the PCB Management Plan shall be kept onsite and followed for all PCB waste disposal.

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is not 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. Training

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 Utah Admin. Code R315-303-4(2)(b). All accidental fires shall be extinguished as soon as reasonably possible.

E. Daily Cover

The solid waste received at the landfill shall be completely covered at the end of each working day with a minimum of six inches of earthen material.

An alternative daily cover material may be used when the material meets the requirements of Utah Admin. Code R315-303-4(4)(b) through (d) or when the alternative daily cover meets the requirement of Utah Admin. Code R315-303-4(4)(e).

Permission to use alternative daily cover may be rescinded or amended if the requirements to prevent blowing debris, minimize access to the waste by vectors, minimize the threat of fires at the open face, minimize odors, or shed precipitation are not met, or if necessary to prevent nuisance conditions or adverse impacts to human health and or the environment.

F. Ground Water Monitoring

The Permittee shall monitor the ground water underlying the landfill in accordance with the Ground Water Monitoring Plan and the Ground Water Monitoring Quality Assurance/Quality Control Plan contained in the permit application. Additional groundwater monitoring parameters as outlined in the "Chemical Waste Permit Application" are required for the PCB landfill cell. If necessary, the facility owner may modify the Ground Water Monitoring Plan and the Ground Water Monitoring Quality Assurance/Quality Control Plan, provided that the modification meets all of the requirements of Utah Admin. Code R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application, and is approved by the Director as a minor modification under Utah Admin. Code R315-311-2(1)(a).

Any modification to the Ground Water Monitoring Plan and the Ground Water Monitoring Quality Assurance/Quality Control Plan shall be noted in the operating record. Plan changes that are found by the Director to be less protective

of human health or the environment than the approved plan are a major modification and are subject to the requirements of Utah Admin. Code R315-311.

G. Gas Monitoring

The Permittee shall monitor explosive gases at the landfill in accordance with the Gas Monitoring Plan contained in the permit application and shall otherwise meet the requirements of Utah Admin. Code R315-303-3(5). If necessary, the Permittee may modify the Gas Monitoring Plan, provided that the modification meets all of the requirements of Utah Admin. Code R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application, and is approved by the Director as a minor modification under Utah Admin. Code R315-311-2(1). Any modification to the Gas Monitoring Plan shall be noted in the operating record.

If the concentrations of explosive gases at any of the facility structures, at the property boundary or beyond the property boundary, ever exceed the standards set in Utah Admin. Code R315-303-2(2)(a), the Permittee shall immediately take all necessary steps to ensure protection of human health and notify the Director. Within seven days of detection, place in the operating record the explosive gas levels detected and a description of the immediate steps taken to protect human health. Implement a remediation plan that meets the requirements of Utah Admin. Code R315-303-3(5)(b) and shall submit the plan to, and receive approval from, the Director prior to implementation.

The Permittee shall operate and maintain the active landfill gas collection system consisting of:

1. Vertical gas extraction wells installed within the lined landfill cells
2. Blower and flare system to collect and treat the gas

H. Air Monitoring

ECDC is required to install, maintain and monitor for PCBs in an air monitoring station at each of two locations: the PCB landfill cell and the rotary dump facility. Each of these monitoring stations shall be placed at locations that are most likely to detect airborne particulates that could transport PCBs.

ECDC shall monitor the air at the rotary dump facility and at the top of the berm of the disposal cell as required by the EPA and at other locations within the facility boundaries to establish background levels of particulate transport. Results of monitoring events shall be reported to the Division within 30 days of completing the monitoring event. Results of the monitoring events shall be evaluated by the Division to determine if new monitoring locations are required.