

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT BY RULE**

**Brush Resources Minesite
CLASS IIIb LANDFILL
Permit by Rule No. 0701PBR**

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,

Brush Resources Inc. as owner and operator

is hereby permitted by rule under UAC R315-318 to construct and operate the Brush Resources Minesite Class IIIb landfill located in NE ¼ or the NE ¼ of Section 8, Township 13 south, Range 12 West, Salt Lake Base and Meridian, Juab County, Utah as shown in the permit by rule application (Division tracking #2002.02203).

The operation of the landfill is subject to the condition that Brush Resources Inc. (Permittee) meet the requirements set forth herein. Brush Resources Inc. is also required to meet the requirements of the permit from the Utah Division of Oil, Gas and Mining under which this permit by rule is granted, including closure and post-closure care requirements and financial assurance requirements. If at any time Brush Resources Inc. is found to be in noncompliance with the requirements of this permit by rule or the portions of the permit from the Utah Division of Oil, Gas and Mining under which this permit by rule is granted, this permit by rule may be revoked.

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 by rule shall be effective from the date listed below and shall continue in effect until Brush Resources Inc. is released from the reclamation requirements of the Division of Oil, Gas and Mining permit No. M/023/003.

Effective date: February 27, 2007.

Signed this 27 day of February, 2007.

Original Document signed by Dennis R. Downs on 2/27/07

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

LANDFILL NAME: Brush Resources Class IIIb Landfill

OWNER NAME: Brush Resources Inc.

OWNER ADDRESS: PO Box 815
Delta, Utah 84624

OWNER PHONE NO.: 435-864-2701

OPERATOR NAME: Same as Owner

TYPE OF PERMIT: Permit-by-Rule

LOCATION: Landfill site is located in NE1/4 of the NE1/4 of Section 8
Township 13 South, Range 12 West SLBM; Juab County, Lat.
39° 42' 35", Long. 113° 12' 54"

DIRECTIONS TO FACILTY Facility is located at the Topaz mine site on Brush Wellman
Road, Juab County

By this permit by rule, the Permittee shall be subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the landfill in a manner such that no waste treatment, storage or disposal action is conducted at the landfill that would be in violation of the requirements of UCA 19-6-101 through 123 or UAC R315-301 and 320. Any noncompliance with the requirements of this permit by rule, with applicable portions of the permit from the Utah Division of Oil Gas and Mining under which this permit by rule is granted, or with any treatment, storage or disposal requirements of UCA 19-6-101 through 123 and applicable portions of UAC R315-301 through 320 constitutes a violation of this permit by rule and is grounds for appropriate enforcement action, permit revocation, or both.

B. Inspection and Inspection Access

The Permittee 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 Central Utah Public Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated

Under this Permit by Rule or UAC R315-301 through 320;

2. Have access to and copy any records kept;
3. Inspect any loads of waste, any treatment facility, any pollution management facility, or any control facility; and
4. Create a record of any inspection by photographic, videotape, electronic, or other reasonable means.

C. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2; no PCB's as defined by UAC R315-301-2(53), except those specified by UAC R315-315-7(2)(a) and (c); no household waste; no municipal waste; special waste, except as specified in this permit; or commercial waste shall be accepted for treatment, storage, or disposal at the landfill. Any prohibited waste received and accepted for treatment, storage, or disposal at the facility will constitute a violation of this permit by rule, of UCA 19-6-101 through 123 and of UAC R315-301 through 320.

D. Acceptable Waste

This permit by rule is for disposal of non-hazardous industrial waste, as defined in UAC R315-301-2(35), generated by Brush Resources Inc.

E. Revocation

This permit by rule is subject to revocation if any condition of this permit by rule is not being met or any waste treatment, storage or disposal action is conducted at the landfill that would be in violation of the requirements of UCA 19-6-101 through 123 or UAC R315-301 and 320. 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 UAC R315-12 and the *Utah Administrative Procedures Act*.

II. LANDFILL OPERATION

A. Waste Inspections

The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit by rule are disposed in the landfill.

B. Cover

The Permittee shall cover the waste as necessary to prevent fires, and control vectors, blowing litter, odor, scavenging, and fugitive dust.

C. Disposal of Liquids

Disposal of non-containerized material containing free liquids or any waste containing free liquids in containers larger than five gallons is prohibited.

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 possible.

II. CLOSURE REQUIREMENTS

A. Closure

The Permittee shall close and maintain the facility in accordance with the closure and post-closure plans included in the Utah Division of Oil, Gas and Mining permit M/023/003.

B. Title Recording

The Permittee shall also meet the requirements of UAC R315-302-2(6) by recording with the Juab County Recorder as part of the record of title that the property has been used as a landfill.