



State of Utah

SPENCER J. COX  
*Governor*

DEIDRE HENDERSON  
*Lieutenant Governor*

Department of  
Environmental Quality

Kimberly D. Shelley  
*Interim Executive Director*

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL  
Ty L. Howard  
*Director*

January 8, 2021

Gerald Hascall, Plant Manager  
Sunnyside Cogeneration Associates  
P.O. Box 10  
East Carbon, UT 84520

RE: Sunnyside Cogeneration Associates #2 Ash Landfill Permit  
SW417

Dear Mr. Hascall:

The Division of Waste Management and Radiation Control has finished its review of the application to permit the Sunnyside Cogeneration Associates (SCA) #2 Ash Landfill located southeast of the power generation facility in Sunnyside, Carbon County, Utah.

Enclosed with this letter is the approved Permit #2008. The Permit approval and expiration dates are as shown on the permit cover page.

Also, the Statement of Basis for this Permit (DSHW-2020-017062) is included with the permit.

If you have any questions, please call Doug Taylor at 801-536-0240.

Sincerely,

Ty L. Howard, Director  
Division of Waste Management and Radiation Control

(Over)

TLH/DT/ar

Enclosures: Permit (DSHW-2020-011502)  
Statement of Basis (DSHW-2020-017062)

c: Rusty Netz, Sunnyside Cogeneration Associates, Environmental Manager  
Brady C. Bradford, Health Director, Southeastern Utah Health Department  
Orion Rogers, EHD, Southeastern Utah Health Department  
Russell Seeley, P.E., DEQ District Engineer

**DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL  
COAL COMBUSTION RESIDUE  
SOLID WASTE PERMIT**

Sunnyside Cogeneration Associates  
Coal Combustion Residual (CCR) #2 Ash Landfill

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

Sunnyside Cogeneration Associates as owner and operator (Permittees),

to own and operate the Sunnyside Cogeneration Associates Coal Combustion Residual #2 Ash Landfill located in Sections 7 and 8, Township 14 South, Range 14 East, Salt Lake Base and Meridian, Carbon County, Utah as shown in the Permit Application that was determined complete on August 24, 2020.

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

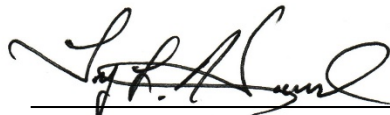
All references to R315-301 through 320 of the Utah Administrative Code are to regulations that are in effect on the date that this permit becomes effective.

This Permit shall become effective January 8, 2021.

This Permit shall expire at midnight January 7, 2031.

Closure Cost Revision Date January 8, 2026.

Signed this 8th day of January 2021.



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Ty L. Howard, Director  
Division of Waste Management and Radiation Control

## **FACILITY OWNER/OPERATOR INFORMATION**

FACILITY NAME: Sunnyside Cogeneration Associates

OWNER NAME: Sunnyside Cogeneration Associates

OWNER ADDRESS: One Power Plant Road  
Sunnyside Utah 84539

OWNER PHONE NO.: (435) 888-4476

OPERATOR NAME: Sunnyside Cogeneration Associates

OPERATOR ADDRESS: One Power Plant Road  
Sunnyside Utah 84539

OPERATOR PHONE NO.: (435) 888-4476

TYPE OF PERMIT: Coal Combustion Residual

PERMIT NUMBER: 2008

LOCATION: Landfill site is located in Sections 7 and 8,  
Township 15 South, Range 14 East, Salt Lake  
Base and Meridian, Carbon County, Utah.

PERMIT HISTORY: This is the initial permit for this facility. It is  
effective upon the date shown on the cover  
page.

## PERMIT REQUIREMENTS

The term, "Permit," as used in this document is defined in R315-301-2(55) of the Utah Administrative Code. "Director," as used throughout this Permit, refers to the Director of the Division of Waste Management and Radiation Control. "Permit Application" refers to the application submitted by Sunnyside Cogeneration Associates on February 24, 2017 under the applicable rules outlined in R315-301 through R315-319 for operation of the CCR units at the Sunnyside Power Generation Facility, and subsequent submissions to the Director under the applicable rules outlined in R315-301 through R315-319.

The Coal Combustion Residual (CCR) unit described in this Permit is one CCR By-Product landfill named the #2 Ash Landfill.

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.

By this Permit, the Permittees are subject to the following conditions.

- I. GENERAL COMPLIANCE RESPONSIBILITIES
  - I.A. General Operation
    - I.A.1. The Permittees shall operate the CCR unit in accordance with all applicable requirements of R315-319 of the Utah Administrative Code, 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 125 and applicable portions of R315-301 through 320 of the Utah Administrative Code 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.
  - I.B. Acceptable Waste
    - I.B.1. This Permit is for disposal of CCR, as defined in R315-319-53(10) of the Utah Administrative Code, generated by Sunnyside Cogeneration Associates.
  - I.C. Prohibited Waste
    - I.C.1. All solid waste, except for CCR waste generated on-site, are prohibited from disposal at the unit.
  - I.D. Inspections and Inspection Access
    - I.D.1. The Permittees shall allow the Director or an authorized representative, or representatives from the Southeastern Utah Public Health Department, to enter at reasonable times and:
      - I.D.1.a. Inspect the CCR unit or other premises, practices or operations regulated or required under the terms and conditions of this Permit or R315-301 through R315-319, as applicable, of the Utah Administrative Code;
      - I.D.1.b. Have access to and copy any records required to be kept under the terms and conditions of this Permit or R315-301 through R315-319, as applicable, of the Utah Administrative Code;
      - I.D.1.c. 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 R315-319 of the Utah Administrative Code; and
      - I.D.1.d. Create a record of any inspection by photographic, video, electronic, or any other reasonable means.
  - I.E. Noncompliance
    - I.E.1. If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under R315-319 of the Utah Administrative Code 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.

- I.E.2. In the event of noncompliance with any permit condition or violation of an applicable rule, the Permittees shall promptly take any 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.
- I.E.3. The Permittees shall:
  - I.E.3.a. Document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered:
  - I.E.3.b. Notify the Director of the Utah Division of Waste Management and Radiation Control by telephone within 24 hours, or the next business day following documentation of the event; and
  - I.E.3.c. Upon request by the Director, give written notice of the noncompliance or violation and measures taken to protect human health and the environment within seven days after Director notification.
- I.E.4. Upon request by the Director, within thirty days after the documentation of the event, the Permittees 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 Permittees to perform appropriate remedial measures including development of a site remediation plan for approval by the Director.
- I.E.5. In an enforcement action, the Permittees 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 R315-301 through 319 of the Utah Administrative Code and this Permit.
- I.F. Revocation
  - I.F.1. This Permit is subject to revocation if the Permittees fails to comply with any condition of the Permit. The Director will notify the Permittees in writing prior to any proposed revocation action and such action shall be subject to all applicable hearing procedures established under R305-7 of the Utah Administrative Code and the Utah Administrative Procedures Act.
- II. LOCATION RESTRICTIONS
  - II.A. Landfill
    - II.A.1. Unstable Areas

- II.A.1.a. New CCR units shall not be located in an unstable area unless the Permittees provide a demonstration following the procedures outlined R315-319-64.
- III. DESIGN CRITERIA
  - The Permittees CCR unit was in operation before the CCR rules became effective.
  - III.A Landfill
    - III.A.1. New CCR Landfills or future lateral expansion shall comply with the requirements of R315-319-70.
- IV. OPERATING CRITERIA
  - IV.A. Landfill
    - IV.A.1. Air Criteria
      - IV.A.1.a. The Permittees shall adopt measures that minimize CCR from becoming airborne as outlined in R315-319-80(a).
      - I.A.1.b The Permittees shall prepare and operate a CCR fugitive dust control plan to minimize airborne CCR fugitive dust that has been submitted and received approval from the Director as required by R315-319-80(b). On October 14, 2015, the Permittees submitted an initial CCR fugitive dust plan, which was signed and certified by a qualified professional engineer and placed in the Permittees' operating record on October 19, 2015 as outlined in R315-319-80(b)(5) and (7). The CCR fugitive dust control plan may be amended on the condition that the Permittees follow the requirements specified in R315-319-80(b)(6).
      - I.A.1.c. An annual CCR fugitive dust control report shall be prepared as required by R315-319-80(c) that includes a description of the actions taken by the Permittees to control CCR fugitive dust, a record of citizen complaints, and a summary of corrective measures taken. The initial annual report shall be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. On December 19, 2016, 14 months after placing the initial fugitive dust control report in the facility's operating record, the Permittees placed a subsequent annual report in the facility's operating record, as required in R315-319-80(c).
      - I.A.1.d. Recordkeeping, notification, and internet requirements were and shall be followed as outlined in R315-319-80(d).
    - IV.A.2. Run-On and Run-Off Controls



- IV.A.2.a. The Permittees shall design, construct, operate, and maintain run-on and run-off control systems pursuant to a run-on and run-off control system plan as required in R315-319-81(a) through (c).
- IV.A.2.b. Amendments to the run-on and run-off control system plan may be made by the Permittees provided that the revised plan is placed in the facility's operating record as outlined in R315-319-81(c)(2).
- IV.A.2.c. On October 17, 2016 and pursuant to Subsection R315-319-81(c)(3) an initial run-on and run-off control system plan was certified and signed by a qualified professional engineer and placed in the Permittees' operating record. The Permittees shall prepare and submit updated run-on and run-off plans every five years after completion of the initial plan as required by R315-319-81(c)(4) which is October 17, 2021.
- IV.A.2.d. Recordkeeping, notification, and internet requirements have been and shall continue to be followed as outlined in R315-319-81(d).

#### IV.A.3. Inspection Requirements

- IV.A.3.a. A qualified person shall conduct inspections, at intervals not exceeding every 7 days, for any appearances of actual or potential structural weakness or other conditions that are disrupting or could disrupt operations or safety of the landfill. The Permittees initiated inspections by October 2015 and recorded them in the facility's operating record as outlined in R315-319-84(a).
- IV.A.3.b. A qualified professional engineer shall conduct an annual inspection as required in R315-319-84(b)(1) and prepare a report annually as required in R315-319-84(b)(2).
- IV.A.3.c. Any lateral expansion or new CCR landfill shall initiate an annual inspection no later than 14 months after the date of initial receipt of CCR in the CCR unit. If a deficiency or release is detected during an inspection, the Permittee shall follow R315-319-84(b)(5).
- IV.A.3.d. A qualified professional engineer shall conduct and complete annual inspections by January 18th as required by R315-319-84(b)(4). This requirement is considered complete when the Permittees' inspection report has been placed in the facility's operating record as outlined in R315-319-107(g).
- IV.A.3.e. Recordkeeping, notification, and internet requirements shall be followed as outlined in R315-319-84(c).

### V. GROUNDWATER MONITORING AND CORRECTIVE ACTION

- V.A.1. All requirements in Section V of this permit, apply to landfills as described in R315-319-90(a). The Permittees shall be in compliance by October 17, 2017 as outlined in R315-319-90(b)(1). New CCR units or lateral expansions shall comply with R315-319-90(b)(2).

- V.A.2. Once a groundwater monitoring system and program has been established, the Permittees shall conduct groundwater monitoring, and if necessary, corrective action throughout the active life and post-closure care period as outlined in R315-319-90(c). In the event of a release from a CCR unit, the Permittees shall take all necessary measures, as outlined in R315-319-90(d), to control the release(s).
- V.A.3. Annual groundwater monitoring and corrective action reports shall be prepared by the Permittees no later than January 31, 2018, and annually thereafter and forwarded to the Director by March 1<sup>ST</sup> of each year as outlined in R315-319-90(e). All new and lateral expansions of CCR units, shall also adhere to the requirements in R315-319-90(e).
- V.A.4. The Permittees shall comply with recordkeeping, notification, and internet requirements stated in R315-319-90(f).
- V.B Landfill
- V.B.1. Groundwater Monitoring Systems
- V.B.1.a. The Permittees shall install a groundwater monitoring system as outlined in R315-319-91(a) through (c). The Permittees shall obtain certification from a qualified professional engineer stating that the groundwater monitoring system meets the requirements of R315-319-91(f). Reporting and recordkeeping requirements shall comply with R315-319-91(g).
- V.B.2. Groundwater Sampling and Analysis Requirements
- V.B.2.a. Sampling and analytical methods and procedures shall follow the requirements as outlined in R315-319-93(a) and (b). Groundwater elevations shall be measured, and up-gradient background wells shall be established as required in R315-319-93(c) and (d). The number of groundwater samples collected during detection and assessment shall be consistent with the statistical procedure method chosen and comply with performance standards as outlined in R315-319-93(e) through (g). The Permittees shall determine whether or not there is a statistically significant increase over background values as required in R315-319-93(h) and measure total recoverable metals as required in R315-319-93(i). The Permittees shall comply with recordkeeping, notification, and internet requirements stated in R315-319-93(j).
- V.B.3. Detection Monitoring
- V.B.3.a. As outlined in R315-319-94, the Permittees conducted detection monitoring at all groundwater wells. The Permittees completed the requirements by October 17, 2017 as required in R315-319-94(b) and (c). An alternative monitoring frequency may be considered if approved by the Director as outlined in R315-319-94(d). A statistically significant increase over background levels shall adhere to the requirements outlined in R315-319-94(e).

The Permittees shall comply with recordkeeping, notification, and internet requirements in R315-319-94(f).

#### V.B.4. Assessment Monitoring

V.B.4.a. If statistically significant increases over background levels are detected in one or more constituent in Appendix III of R315-319, the Permittees shall conduct assessment monitoring as required in R315-319-95.

V.B.4.b. The Permittees shall comply with recordkeeping, notification, and internet requirements stated in R315-319-95.

#### V.B.5. Assessment Corrective Measures

V.B.5.a. Within 90 days of finding that any constituent listed in Appendix IV, R315-319 has exceeded the groundwater protection standards under R315-319-95(h), the Permittees shall initiate an assessment of corrective measures as outlined in R315-319-96.

#### V.B.5.b Selection of Remedy

V.B.5.c. Based on the results of the corrective measures assessment, the Permittees shall meet the standards, evaluation factors, and schedules as outlined in R315-319- 97(a)-(d). The Permittees shall comply with recordkeeping, notification, and internet requirements stated in R315-319-97(e).

#### V.B.6. Implementation of the Corrective Action Program

V.B.6.a. Within 90 days of selecting a remedy under R315-319-97, the Permittees shall initiate remedial activities as outlined in R315-319-98(a). If at any time it is determined that compliance is not being achieved, the Permittee shall follow guidelines under R315-319-98(b), and remedies under consideration shall follow R315-319-98(c).

V.B.6.b. CCR units managed pursuant to R315-319-97(b) or R315-319-98 shall comply with all applicable Utah requirements as stated in R315-319-98(d). The Permittees shall follow notification and recordkeeping requirements as outlined in R315-319-98(e) and (f).

### VI. CLOSURE AND POST-CLOSURE CARE

#### VI.A. Landfill

##### VI.A.1. Closure or Retrofit of CCR Units

VI.A.1.a. Applicable requirements shall be followed as outlined in R315-319-101(d).

##### VI.A.2. Criteria for Conducting Closure or Retrofit of CCR Units

VI.A.2.a. The Permittees completed their initial written closure plan, dated October 13, 2016, as required by R315-319-102(b).

VI.A.2.b. For closure by removal or leaving in place, the Permittees shall follow the requirements as outlined in R315-319-102(c) and (d), respectively. Initiation of closure and timeframes shall be adhered to as outlined in R315-319-102(e). Completion of closure activities shall be followed as outlined in R315-319-102(f) depending upon the type of CCR unit. No later than the date the Permittees

initiate closure of a CCR unit(s), the Permittees shall prepare a notification of intent to close a CCR unit as required in R315-319-102(g). Closure notification and deed notation requirements shall adhere to requirements in R315-319-102(h) and (i), respectively. Notification is completed when it has been placed in the facility's operating record according to R315-319-105(i)(8).

- VI.A.2.c. The Permittees shall comply with recordkeeping, notification, and internet requirements stated in R315-319-102(j).
- VI.A.3. Alternative Closure Requirements
- VI.A.3.a. The Permittees of a CCR unit or lateral expansion of a CCR unit subject to closure may continue to receive CCR provided the Permittees meet either R315-319-103(a) or (b). The Permittees have provided notice that they intend to comply with the alternative closure requirements of R315-319-103(b)(1), that the impoundments meet the conditions outlined therein and that the impoundments will be closed before October 17, 2028. Required notices and progress reports shall be completed as outlined in R315-319-103(c). The Permittees shall comply with recordkeeping, notification, and internet requirements stated in R315-319-103(d).
- VI.A.4. Post-Closure Care Requirements
- VI.A.4.a. The Permittees shall follow post-closure requirements outlined in R315-319-104. Following closure any CCR unit, the Permittees shall prepare a written post-closure plan and any amendments to it, conduct post-closure care requirements, conduct post-closure care for 30 years as required in R315-319-104(b)-(d).
- VI.A.4.b. Notification of completion of post-closure care period shall be followed as outlined in R315-319-104(e).
- VI.A.4.c. The Permittees shall comply with recordkeeping, notification, and internet requirements stated in R315-319-104(f).
  
- VII. RECORDKEEPING, NOTIFICATION, & INTERNET INFORMATION
- VII.A. Landfill
- VII.A.1. Recordkeeping Requirements
- VII.A.1.a. Section R315-319-105 requires that the Permittees maintain files of information in a written operating record at their facility for at least five years unless specified otherwise. The Permittees may keep one recordkeeping system provided the system identifies the name of each CCR unit.
- VII.A.1.b. Requirements in R315-319-105(h) and (i) relating to groundwater monitoring and corrective action, and closure and post-closure, respectively, shall continue to be placed in the facility's operating record. Retrofit criteria information shall be placed in the facility's operating record as outlined in R315-319-105(j).
- VII.A.2. Notification Requirements

- VII.A.2.a. The Permittees shall follow notification requirements as outlined in R315-319-106.
- VII.A.3. Publicly Accessible Internet Site Requirements
- VII.A.3.a. The Permittees shall follow Internet site requirements as outlined in R315-319-107.

**Statement of Basis**  
**for the Sunnyside Cogeneration Associates (SCA)**  
**#2 Ash Coal Combustion Residual (CCR) Landfill Permit**

1. INTRODUCTION

This Statement of Basis provides the rationale of the Director of the Division of Waste Management and Radiation Control (DWMRC) for issuing the SCA CCR Landfill Permit. The Director's staff conducted this evaluation to ensure compliance with the Utah Solid and Hazardous Waste Act, Title 19, Chapter 6, Part 1, Utah Code Annotated (Utah Code Ann.) and the Utah Solid Waste Permitting and Management Rules, Utah Administrative Code R315-319 adopted thereunder. Doug Taylor wrote this Statement of Basis.

2. FACILITY BACKGROUND

a. Facility Location and History

The SCA CCR facility is located approximately 1 mile southeast of the power generation plant, which is located on Utah Highway 23 at One Power Plant Road, Sunnyside, Utah, 84539 in Carbon County as shown in Figure 1.

SCA is the operation company of the 53-Megawatt waste coal power generation plant. It began operations in May of 1993 utilizing waste coal as fuel located nearby the plant on land owned by SCA. The power generated is sold to Rocky Mountain Power (Utah Power and Light) where it is placed immediately into the electrical grid.

b. Regulatory History

Since operations began in 1993, the SCA facility has operated an ash landfill. The #1 Ash Landfill, located west of the power generation plant approximately 1.5 miles, was closed shortly before the #2 Ash Landfill was begun early in 2015. The #2 Ash Landfill was operational before CCR became a regulated solid waste (40 CFR 257, Subpart D, effective October 19, 2015).

c. Regulatory Background

Federal CCR regulations were published on April 17, 2015 regulating CCR as a solid waste under Subtitle D of the Resource Conservation and Recovery Act (RCRA), 80 Fed. Reg. 21302 (Apr. 17, 2015) (the 2015 Rule). Beginning with an effective date of October 19, 2015, the 2015 Rule established extensive requirements for existing and new CCR surface impoundments, including groundwater monitoring requirements, location standards, and closure requirements.

On September 1, 2016, the State of Utah promulgated its state CCR regulations, which are substantially identical to the 2015 Rule and reflect the same standards and timelines, including the closure triggers and alternative closure timelines. *See* Utah Admin. Code R315-319. The state rules have not been subsequently amended to reflect congressional and EPA developments

since 2016. Further, no state CCR permit program for the State of Utah has been submitted to or approved by the U.S. Environmental Protection Agency (EPA).

A few months after the 2015 Rule was published, industry groups petitioned for review of the CCR Rule. *See Util. Solid Waste Activities Grp. v. EPA*, No. 15-1219 (D.C. Cir. Jul. 15, 2015). In late 2016, Congress passed the Water Infrastructure Improvements for the Nation (WIIN) Act, amending Section 4005 of RCRA to give states the authority to implement and enforce the CCR Rule. In response to the WIIN Act, the Utility Solid Waste Activities Group (USWAG) petitioned EPA for rulemaking to reconsider provisions of the CCR Rule, and EPA granted USWAG's petition for reconsideration.

On August 21, 2018, the D.C. Circuit Court issued a decision in the 2015 USWAG litigation. Among other things, the Court vacated and remanded for further consideration § 257.101(a), which allowed existing unlined surface impoundments to continue to operate until a leak is detected; however, it was unclear how this remand would affect the closure trigger in § 257.101(a)(1). The court did not invalidate the closure timelines, the groundwater monitoring requirements, the notice requirements, or any other provisions that are inherently tied to § 257.101(a)(1). The corresponding CCR regulations in the State of Utah remain in effect.

In response to the D.C. Circuit USWAG ruling, EPA proposed several regulatory changes on August 14, 2019 and December 2, 2019, followed by issuance of a pre-publication copy of its final rule on July 29, 2020. *See Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; A Holistic Approach to Closure Part A: Deadline to Initiate Closure*, Final Rule, Docket Nos. EPA-HQ-OLEM-2019-0172 and EPA-HQ-OLEM-2018-0524 (2020 Rule). In the 2020 Rule, EPA finalized revisions to the alternative closure provisions at § 257.103, granting facilities additional time to cease receipt of waste and initiate closure of their CCR surface impoundments, and amending requirements related to the annual groundwater monitoring and corrective action reports, as well as the publicly accessible CCR internet sites. The 2020 Rule creates a new site-specific alternative to initiation closure due to permanent cessation of a coal-fired boiler(s) by a date certain, setting the completion of closure date as no later than October 17, 2028 for surface impoundments larger than 40 acres. 2020 Rule, § 257.103(f)(2). In addition, facilities utilizing the new alternative closure provision at § 257.103(f)(2) must submit a risk mitigation demonstration supporting their continued operation of a CCR surface impoundment.

### 3. EVALUATION OF THE PERMIT APPLICATION

- a. SCA had been implementing all substantive and procedural requirements of EPA's CCR Rule since its effective date in October 2015. Notwithstanding the uncertainty created by the D.C. Circuit Court's opinion, and the remand of the closure triggers in the CCR Rule, SCA has continued implementing their compliance pursuant to the remaining provisions of the 2015 Rule and Utah state law.
- b. The permit application (DSHW-2017-001806 for the SCA facility was received on February 24, 2017 at which time the evaluation of the permit application was begun. The DWMRC deemed the permit application to be complete within four months and the draft permit was written. During the next month or so a draft permit was developed but lawsuits were being filed against

the CCR rule so work on the draft permit was stopped at that time. While these lawsuits were being addressed, the DWMRC staff pursued the finalization of the first CCR permit in the State, which was issued to Intermountain Power Project. Shortly afterwards, the SCA draft permit was completed.

#### 4. JUSTIFICATION FOR ISSUING THE PERMIT

- a. The Director's staff has evaluated the permit application as required by Section 19-6-108 of the Solid and Hazardous Waste Act and R315-301 through 320 of the Solid and Hazardous Waste Rules.

#### 5. PUBLIC PARTICIPATION

- a. As required by Utah Administrative Code R315-311-3, the Director provided an initial 30-day public comment period on the draft permit that began October 21, 2020 and ran through November 20, 2020 (DSHW-2020-013182). No comments were received during the public comment period.

#### 6. CONCLUSION

The Director has determined that the applicant has met all required items in the permit application.



**Figure 1**  
**Sunnyside Cogeneration Associates Facility**  
**and #2 Ash Coal Combustion Residuals Landfill**

