



State of Utah
Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF SOLID AND
HAZARDOUS WASTE
Dennis R. Downs
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

FILE COPY

April 27, 2007

John Spencer
Environmental/Senior Mining Engineer
Simplot Phosphates LLC
9401 North Highway 191
Vernal, UT 84078

Subject: Approval of Class IIIb Landfill Permit

Dear Mr. Spencer:

The Division of Solid and Hazardous Waste published the public notice for the Red Wash Class IIIb landfill in the Salt Lake Tribune, the Deseret Morning News, and the Vernal Express. The comment period for this public notice ended on April 13, 2007. No comments were received regarding this permit.

Enclosed is the signed solid waste operating permit for the Simplot Class IIIb landfill. The Division will publish the Notice of Permit Issuance in the same newspapers. If you have any questions regarding the permit, please call either Roy Van Os or Ralph Bohn at (801) 538-6170.

Sincerely,


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

DRD/rvo/kk

Enclosure: Solid Waste Permit #9908

c: Joseph B. Shaffer, MA, MBA, EHS, Health Officer, Tri-County Health Department
Scott Hacking, District Engineer

UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT

Simplot Phosphates, LLC
CLASS IIIb 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,

Simplot Phosphates LLC
as owner, operator

is hereby approved to construct and operate the Simplot Class IIIb located in NW1/4 of Section 31, Township 2 South, Range 22 East, Salt Lake Base and Meridian, Uintah County, Utah as shown in the permit application that was determined complete on date of completeness notification.

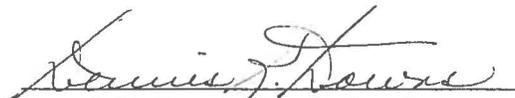
The operation of the landfill is subject to the condition that Simplot Phosphates LLC (Permittee) meet the requirements set forth herein.

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 1, 2007.

Expiration date: April 30, 2017.

Signed this 27 day of April, 2007.



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

PERMIT REQUIREMENTS

LANDFILL NAME: Simplot Class IIIb Landfill
OWNER NAME: Simplot Phosphates LLC
OWNER ADDRESS: 9401 North Highway 191

OWNER PHONE NO.: (435) 781-3348
OPERATOR NAME: Simplot Phosphates LLC
OPERATOR ADDRESS: 9401 North Highway 191

OPERATOR PHONE NO.: (435) 781-3348
TYPE OF PERMIT: Class IIIb Noncommercial Solid Waste Landfill
PERMIT NUMBER: 9908
LOCATION: Landfill site is located in Township 2 South, Range 22 East, Section 31, SLBM, Uintah County, Lat. 40° 36' 22.3", Long. 109° 29' 53.3"
DIRECTIONS: This landfill is located within the Simplot Phosphates mine site. This landfill can be accessed by driving north or Vernal on Highway 191 for 10 miles until the main gates for the mine site is reached. Visitors will need to be escorted to gain access to the landfill.

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

The application, including:

| | |
|---|--|
| Application for a Permit to Operate a Class IIIb Landfill | Reference Document #20000213 dated January 19, 2000 |
| Financial Assurance Calculations and Surety Bond | Emailed 8/19/2006 as Excel spreadsheet and incorporated into permit application. |

These documents are deemed complete on August 19, 2006 and are hereby approved and 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 UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the application, the wording of The Permit supersedes that of the application.

The facility as described in this permit and the permit application consists of a landfill that is part of a phosphate mining operation. There are no waste handling, treatment or storage facilities. Waste handling consists of utilizing on-site mining construction equipment to compact and cover industrial waste.

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

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the Class IIIb landfill in accordance with the conditions of this Permit and with all requirements of UAC R315-304, 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 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. 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 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 Executive Secretary of the Solid and Hazardous Waste

Control Board 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 Executive Secretary notification. Within thirty days of the documentation of the event, the Permittee 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 receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

It shall not constitute a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of 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.

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.

C. 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, including representatives from the TriCounty 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 the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment, pollution management, or control facilities required under the 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

No hazardous waste as defined by UAC R315-1 and R315-2; no PCB's as defined by UAC R315-301-2(53), except PCB's specified by UAC R315-315-7(2)(a) and (c); no household waste; no municipal waste; special waste, except as specified in this permit shall be accepted for treatment, storage, or disposal at the landfill. No waste received from offsite sources or waste accepted from a third party for profit 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, of UCA 19-6-101 through 123 and of UAC R315-301 through 320.

E. Acceptable Waste

This permit is for disposal of nonhazardous industrial waste, as defined in UAC R315-301-2(35), generated by phosphate mining and milling and as described in the permit application. Office wastes, shipping wastes, and incidental nonhazardous solid wastes generated by meals are allowed in this landfill.

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 UAC R315-12 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 UAC R315-302-3.

Revocation of this permit may necessitate that the Executive Secretary 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 UAC R315-302-3 be called.

G. Attachment Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Construction

The landfill is constructed in the area designated and according to the design outlined in the permit application. Site control is provided by access control into the mining facility. The landfill run-off diversion system is constructed and operational as outlined in the landfill permit design.

The Permittee 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.

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the permit application 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 UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Operations Plan shall be noted in the operating record.

Any modification to the Operations Plan must 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)(a)(xviii).

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 as shown in the permit application shall be constructed to prevent access of persons or livestock by other routes.

C. 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 loads received.

All containers capable of holding more than five gallons of liquid will be inspected to assure that the container is empty.

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

D. Cover

The Permittee shall cover the waste as necessary to prevent fires and to control vectors, blowing litter, odor, scavenging, and fugitive dust. A minimum of six inches of earthen cover shall be provided no less than once each month for all wastes received at this landfill.

E. Disposal of Liquids

Disposal of containers larger than household size (five gallons) holding any liquid, noncontainerized material containing free liquids or any waste containing free liquids in containers larger than five gallons is prohibited.

F. Roads

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

G. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-5(2)(b). All accidental fires shall be extinguished as soon as possible.

H. Record Keeping

The Permittee shall maintain and keep on file at the office of the environmental representative within the Simplot facility (located at 9401 North Highway 191, Vernal, Utah) an operating record as required by UAC R315-302-2(3). The landfill operator, or other designated personnel, shall date and sign the operating record at the end of each day that landfill operations occur. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed. The operating record shall include the following items:

1. The 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 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 the Permit including the permit application;
 - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the TriCounty Health Department, when forwarded to the Permittee;
 - c. Closure and Post-closure care plans;
 - d. Records of employee training.

I. Reporting

The Permittee 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.

J. 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. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, and cover; fences and access controls; roads; run-on/run-off controls; final and 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 and the actions taken placed in the daily operating record.

IV. CLOSURE REQUIREMENTS

A. Closure

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

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 shall keep in effect and active the currently approved financial assurance mechanism or another mechanism that meets the requirements of UAC R315-309 to cover the costs of closure and post-closure care at the landfill. The financial assurance fund shall be adequately funded 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.

E. Financial Assurance Annual Update

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

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 in UAC R315-310-10.

B. Permit Modifications

Modifications to this permit may be made upon application by the Permittee or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

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 will remain in effect until renewal is completed or denied.

D. Expansion

This permit is for the operation of a Class IIIb 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, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must 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 will require submittal of a new permit application in accordance with the requirements of UAC R315-310.

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.

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 Permittee will 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 will be revoked

