

**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 **date**.

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 _____ 2020.

This Permit shall expire at midnight _____ 2030.

Closure Cost Revision Date _____ 2025.

Signed this ____ day of _____ 2020.

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: 417

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 Ash #2 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 1ST 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.

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