

**DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL PERMIT
WASTE TIRE STORAGE PERMIT**

**Tire Derived Fuel International LLC
WASTE TIRE STORAGE PERMIT**

Pursuant to the provisions of the *Utah Waste Tire Recycling Act*, Title 19, Chapter 6, Sections 801-824, Utah Code Annotated (UCA) 1953, as amended (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

Tire Derived Fuel International (TDFI) LLC
As owner and operator

To own and operate the Waste tire storage site which is located in Fillmore Industrial Park Millard County. Tire Derived Fuel International (TDFI) LLC submitted a new permit application that was received on August 24, 2016, Tracking Number 2016.012525.

TDFI LLC (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 becomes effective: _____, 2020

This Permit shall expire at midnight: _____, 2030

Closure Revision Date: _____, 2025

Signed this _____ day of _____, 2020.

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

FACILITY OWNER/OPERATOR INFORMATION

WASTE TIRE STORAGE NAME: Tire Derived Fuel International (TDFI) LLC

OWNER NAME: Dave Barton

OWNER ADDRESS: 735 Airway Drive Fillmore, Utah 84631

OWNER PHONE NO.: (435) 650-6949

OPERATOR NAME: Same

OPERATOR ADDRESS: Same

OPERATOR PHONE NO.: Same

TYPE OF PERMIT: Waste Tire Storage Permit

FACILITY LOCATION: Waste tire storage site is located Latitude / Longitude 38.95499° / 112.36221° Beginning NE COR LOT 3, Fillmore City Industrial Park Subdivision, S 38°08'00" E 415.45 FT LG S R/W Industrial Way, S 1031 FT, N 38°08'00" W 1225.49 Ft, M/L to E BDRY Airway Drive, N 51°52'00" 639.7 FT M/L to BEG

PERMIT NUMBER: 2020-05

PERMIT HISTORY: Permit effective date **INSERT DATE PERMIT IS SIGNED**

The term, "Permit," as used in this document is defined in R315-301-2(55) of the Utah Administrative Code. The term, "Director," as used throughout this permit, refers to the Director of the Division of Waste Management and Radiation Control.

Attachments to this permit are hereby incorporated into this Waste Tire Storage Permit. All representation made in the attachments are part of this Permit and are enforceable under R315-301-5(2) of the Utah Administrative Code. Where differences in wording exist between this Permit and the attachments, the wording of this Permit supersedes that of the attachments.

Compliance with 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 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 Permittee is subject to the following conditions.

PERMIT REQUIREMENTS

I. GENERAL COMPLIANCE RESPONSIBILITIES

- I.A.1 This permit authorizes the storage, processing, reuse and beneficial use of waste tires, which include whole tires, tire chips, baled tires, tire shreds, and crumb rubber. The permitted processing is limited to collection, storage, sorting, recapping, cleaning, shredding, chipping, grinding, crumbing, cutting and baling of waste tires. The permitted beneficial use of whole waste tires, tire chips, baled tires, tire shreds, and crumb rubber is limited to use in recapping, as fuel for boilers or other combustion units, in civil engineering practices, and as an ingredient in or as a commercial product.
- I.A.2 The facility as described in this Permit consists of waste tires stored on property, meaning the placement of waste tires in a manner that does not constitute disposal of the waste tires. The waste tire storage at the facility includes managing waste tire piles; the definition of waste tire pile is having 200 or more waste tires at this location. The waste tires stored are being processed as needed into crumb rubber and a section of the facility has the capability to sort tires for resale.
- I.A.3 The facility as described in this Permit consists of waste tires stored as piles at various locations throughout the property and awaiting processing.
- I.A.4 The Permittee shall operate the waste tire storage facility in accordance with the conditions of this Permit and with all requirements of R315-314-3 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 UCA 19-6-101 through 125 of the Utah Code, UCA 19-6-801 through 824 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. Noncompliance

- I.B.1 If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under R315-301 through 320 of the Utah Administrative Code 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.
- I.B.2 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.

- I.B.3 The Permittee shall document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered. The Permittee shall 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. The Permittee shall give written notice of the noncompliance or violation and measures taken to protect human health and the environment within seven days of notifying the Director.
- I.B.4 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.
- I.B.5 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 R315-301 through 320 of the Utah Administrative Code and this Permit.
- I.B.6 Compliance with 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.
- I.B.7 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.
- I.B.8 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.

I.C. Inspections

- I.C.1 The Permittee shall inspect the facility monthly using the checklist in Attachment 2, to assure that the waste tires are stored in the manner described in the Permit Operations Plan Section II.A.
- I.C.2 The Permittee shall inspect the perimeter of the facility daily for waste tires that are left around the perimeter of the property without the knowledge of the Permittee.

I.D. Inspection and Inspection Access

- I.D.1 The Permittee shall allow the Director of the Division of Waste Management and Radiation Control or an authorized representative, including representatives from the Central Utah Health Department, to enter at reasonable times and:
- I.D.1.a Inspect the waste tire storage facility or other premises, practices or operations regulated or required under the terms and conditions of this Permit or R315-301 through 320;
 - I.D.1.b Have access to and copy any records required to be kept under the terms and conditions of the Permit or R315-301 through 320 of the Utah Administrative Code;
 - I.D.1.c Inspect any loads of waste tires or control facilities required under the Permit or regulated under R315-301 through 320 of the Utah Administrative Code; and
 - I.D.1.d Create a record of any inspection by photographic, video camera, electronic recording device, or any other reasonable means to record information during any inspection.
 - I.D.1.e Results of inspections taken by representatives of the Division of Waste Management and Radiation Control and/or representatives of Central Utah Health Department will be forwarded to the Permittee upon request.

I.E. Revocation

- I.E.1 This Permit is subject to revocation if any condition of this Permit is not being met. The Permittee shall be notified in writing prior to any proposed revocation action and such action shall be subject to all applicable hearing procedures established under UCA section 19-1-301 or 19-1-301.5, as applicable, the Utah Administrative Procedures Act, and Utah Administrative Code R305-7.
- I.E.2 As part of the revocation the Director shall exercise the option to require payment of funds under the financial assurance mechanism held by the Director.

I.F. Attachment Incorporation

- I.F.1 Permit attachments are incorporated 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.

I.G. Recycling Status

- I.G.1 All tires stored at the facility were generated throughout the State of Utah. The permitted facility will be using only Utah tires in the process production. Any storage of tires from outside the State of Utah will require approval from the Director.

I.H. Acceptable Waste

- I.H.1 This Permit is for storage of waste tires. Waste tires managed under this storage permit shall not be mixed with other types of solid waste, including hazardous waste, municipal waste, special handling waste or other residual waste.

I.I. Facility Capacity

- I.I.1 Waste tire piles are limited to a maximum of 5,000 square feet of continuous area in size at the base of the pile. Waste tire piles are limited 50,000 cubic feet in volume and 10 feet high. Waste tire piles be at least 10 feet from any property boundary or building and shall not exceed 6 feet in height when within 20 feet of any property boundary or building. The Permittee shall provide for a clear space of not less than 40 foot fire lane between tire piles that contain no flammable or combustible material or vegetation.
- I.I.2 Waste tires may not be accumulated speculatively or stored for more than one year. On a yearly calculation's the amount of waste tires that come into the facility must be removed either after a conversion of tires to tons or tons to tires. Facility reports will indicate all incoming waste tires and tires that go out through the process. All required paperwork will be kept onsite to ensure this condition is met so upon inspection all calculations can be kept up to date. All tires per this condition will not be on property more than a year.

II. WASTE TIRE STORAGE FACILITY OPERATION

II.A. Operations Plan

- II.A.1 The operations plan included in Attachment 1 of this Permit shall be kept onsite at the facility and the Permittee shall operate in accordance with the plan. Storage of waste tires shall be restricted to individual piles, which include stacks and racks of waste tires that do not exceed 5,000 square feet of contiguous area. Pile width shall not exceed 50 feet; any pile shall not exceed 50,000 cubic feet in volume or 10 feet high.
- II.A.2 If necessary, the Permittee may modify the Operations Plan, provided that the modification meets all of the requirements of R315-301 through 320 of the Utah Administrative Code.
- II.A.3 A modification to the Operations Plan must be submitted to the Director for approval and follow the requirements of R315-311-2 of the Utah Administrative Code.
- II.A.4 The maximum number of tires stored at the facility shall not exceed 250,000 waste tires. The facility may store a maximum of 2,000 tons of 1 pass shred tires. The facility may store on a cement pad a maximum of 2,000 tons of processed shred waste tires waiting transport. No modification to the Operations Plan that increases the maximum number of tires stored at the facility will be approved unless the financial assurance is increased

to account for the increase in tires stored.

- II.A.5 All waste tires must be stored in designated areas of the permitted facility and at no time shall the permittee store waste tires outside facility fence. The Permittee shall park all trailers inside the property along with all special equipment used in the process in designated areas of property.
- II.A.6 Any modification to the Operations 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 may subject the Permittee to administrative actions including revocation and penalties.

II.B. Security

- II.B.1 The Permittee shall operate the waste tire storage facility so that unauthorized entry to the facility is restricted. All facility gates and other access routes shall be locked during the time the facility is closed. Fencing shall be constructed to prevent access of persons or livestock by other routes.

II.C. Burning of Waste Tires

- II.C.1 Intentional burning of waste tires is prohibited and is a violation of R315-303-4(2)(b) of the Utah Administrative Code. All accidental fires shall be extinguished as soon as possible.

II.D. Record Keeping

- II.D.1 The Permittee shall maintain and keep on file at the Facility an operating record as required by R315-302-2(3) of the Utah Administrative Code. The daily record shall contain the following items:
 - II.D.1.a A copy of the Permit including the Attachments and Permit Application;
 - II.D.1.b The number of tires or the number of tons of tire on site at any time;
 - II.D.1.c The number of waste tires received during each quarter;
 - II.D.1.d The number of waste tires removed during each quarter;
 - II.D.1.e The number of waste tire piles on site and the number of tires in each pile;
 - II.D.1.f Record of all inspections conducted by the Permittee and any maintenance activities completed; and record of daily logs.
 - II.D.1.g The quantities, end use and destination of processed waste tires shipped offsite.

II.E. Reporting

- II.E.1 The Permittee shall prepare and submit, to the Director, an Annual Report as required in R315-302-2(4) of the Utah Administrative Code. The Annual Report shall include: the period covered by the report, the annual quantity of waste tires received and removed, an annual update of the financial assurance mechanism, and any other information requested by the Director.

II.G. Financial Assurance

- II.G.1 The Permittee shall keep in effect and active the current approved financial assurance mechanism or obtain another mechanism that meets the requirements of R315-309 of the Utah Administrative Code to cover the costs of removing and transporting to a registered Utah waste tire recycler, the waste tires stored at the facility. The financial assurance mechanism shall be adequately funded to provide for \$150.00 per ton of tires stored at the facility specified by R315-314-3(3)(k)(i) and (ii) of the Utah Administrative Code.

II.H. Financial Assurance Annual Update

- II.H.1 An annual revision of the financial assurance funding as, required by R315-309-2(2) of the Utah Administrative Code, shall be submitted to the Director as part of the annual report required by R315-302-2(4) of the Utah Administrative Code to include recalculation of the cleanup cost to account for inflation and the amount wastes onsite that would affect cleanup costs.

III. ADMINISTRATIVE REQUIREMENTS

III.A. Transfers

- III.A.1 This Permit may be transferred to a new Permittee by meeting the requirements of the Permit Transfer provision in R315-310-11 of the Utah Administrative Code.

III.B. Permit Modifications

- III.B.1 Modifications to this Permit may be requested by the Permittee. The Director may modify the permit when new information or statute is changed. The Permittee will be given written notice of any permit modification initiated by the Director.

III.C. Expiration

- III.D. 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 continue in force until renewal is completed or denied.

III.E. Expansion

- III.E.1 This Permit is for the operation of a waste tire storage facility according to the Operation Plan described and explained in the Permit. Any increase in the amount of the number of waste tires beyond that allowed in this Permit will require modification to the Director. The increase must be approved by the Director prior to acceptance of waste tires.

Attachments to this Permit:

Attachment #1 Operations Plan
Attachment #2 Facility Inspection Check-List
Attachment #3 Maps of Facility

ATTACHMENT 1 OPERATIONS PLAN

As submitted with the permit application dated
March 2019

DRAFT

Attachment 1

Operations Plan

Tire Usage at Tire Derived Fuel International (TDFI) LLC

Basics:

The Facility as described in this Permit consists of waste tires stored at the facility for process through a series of shredding machines. The facility also sales used tires which can be processed and retreaded.

Tire Derived Product:

The material that is produced at facility for the purpose of shipping out for Tire Derived Fuel (TDF) must be on concrete pad ready for transport with at least 10 yards on each side free of any material.

Tire Sorting Process:

As tires come into the yard, they are separated, with bad tires being sorted to be processed. Waste tires are sorted by size to determine whether the waste tire will be processed or sold for reuse. Once sorted every two or three weeks the waste tires are reviewed by a tire buyer for grading to determine if the waste tires are to be processed or resold.

Fire Prevention:

The Permittee of the waste tire facility shall prepare and submit a fire safety plan to the Fillmore City Fire Marshal. The fire safety plan shall include provisions for fire department vehicle access. Communication equipment shall be maintained at the facility so that personnel can contact local fire authority in the event of fire. The telephone number of the local fire authority and location of the nearest telephone shall be posted in conspicuous locations. The facility shall follow the Fire Code Chapter 34 section titled Tire Rebuilding and Tire Storage, which outlines the proper procedures in how tire piles are stored and managed.

Adequate equipment to aid in the control of fires shall be provided and maintained at the waste tire facility at all times. At a minimum the following items shall be maintained on site and in working order at all times:

1. Buildings or structures shall be equipped with portable fire extinguishers in accordance with Utah Fire Code.
2. One (1) pike pole or comparable pole at least 10 feet in length to separate burning from non-burning tires
3. One (1) round point and (1) square point shovel
4. One (1) portable fire extinguisher shall be carried on each piece of fuel-powered equipment used to handle waste tires
5. Adequate water supply to support fire personal

The following precautions against fire shall be maintained at the waste tire facility at all times:

1. No open burning
2. Open flame, cutting, welding, or heating devices, blow torches, or highly flammable materials, including, but not limited to, inner tubes, are prohibited within 40 feet of waste tires
3. No smoking, except in designated areas
4. Tire storage piles shall not be located beneath electrical power lines having voltage in excess of 750 volts or that supply power to fire emergency systems.

Mosquito Abatement:

Appropriate control measures must be taken to control mosquito propagation during warm weather. Controls may include the use of tarps, screens or spraying. All vector controls will be set by the County of Millard.

Pests:

Facility has been approached by several pest control agencies. Facility may employ these vendors or self-perform pest control at facility option.

ATTACHMENT 2

FACILITY INSPECTION CHECKLIST

As submitted with the permit application dated
March 2019

DRAFT

DEPARTMENT WORK AREA INSPECTION SHEET

DATE: _____

1. HOUSEKEEPING	<u>Good</u>	<u>Improve</u>
Aisles & Walkways Clear	_____	_____
Adequate Lighting	_____	_____
Flammable Materials	_____	_____
2. MACHINERY & EQUIPMENT	<u>Good</u>	<u>Improve</u>
Guards on belts/pulleys/gears/shafts	_____	_____
Hand & Guard Rails	_____	_____
Ladders/Scaffolds/Catwalks	_____	_____
Taping & Barricades	_____	_____
Dangerous Areas	_____	_____
3. FIRE PROTECTION	<u>Good</u>	<u>Improve</u>
Visible Access to Extinguishers	_____	_____
Extinguishers hung on brackets	_____	_____
4. ELECTRICAL	<u>Good</u>	<u>Improve</u>
Condition of Power Cords	_____	_____
Fronts over Control Panels	_____	_____
Broken Conduit/Exposed Wires	_____	_____
5. COMPRESSED GASES	<u>Good</u>	<u>Improve</u>
Bottles secured properly	_____	_____
Safety Pins on Air Hose Connections	_____	_____
6. PERSONAL PROTECTIVE EQUIPMENT	<u>Good</u>	<u>Improve</u>
Condition of gloves/coats/shields	_____	_____
Glasses/seat belts/hard hats/boots	_____	_____
7. CONDITION OF TIRES	<u>Good</u>	<u>Improve</u>
Condition of Tires throughout facility	_____	_____

Comments:

Inspected By: _____

ATTACHMENT 3 MAP OF FACILITY

As submitted with the permit application dated

March 2019

DRAFT



T/N #
File #

00197604

B: 520 P: 438 Fee \$12.00 Page 1 of 2
Cecilia Hansen, Millard Recorder
12/29/2016 12:55:09 PM By BARTON, DAVID

SW340
Div of Waste Management
and Radiation Control

FEB 13 2017

DSHW-2017-001388

WARRANTY DEED

TDFL, INC
of Vernal, County of Uintah, State of Utah, hereby CONVEYS AND WARRANTS to

as Grantor

TDFL LLC
Of P. O. BOX 816, Vernal, UT 84078
Ten and No/100 and other good and valuable consideration-----DOLLARS
the following described tract of land in Millard County, State of Utah:

as Grantee

for the sum of

SEE ATTACHED EXHIBIT "A"

TOGETHER with all improvements and appurtenances thereto belonging.

SUBJECT TO: County &/or City taxes not delinquent; Bonds &/or Special Assessments not delinquent and Covenant, Conditions, Restrictions, Right of Way, Easements and Reservations of record or enforceable in law or equity.

WITNESS the hands of said grantors, this 23rd day of December, 2016.


DAVID BARTON


President of TDFL, Inc.

STATE OF UTAH

COUNTY OF UTAH

ss.

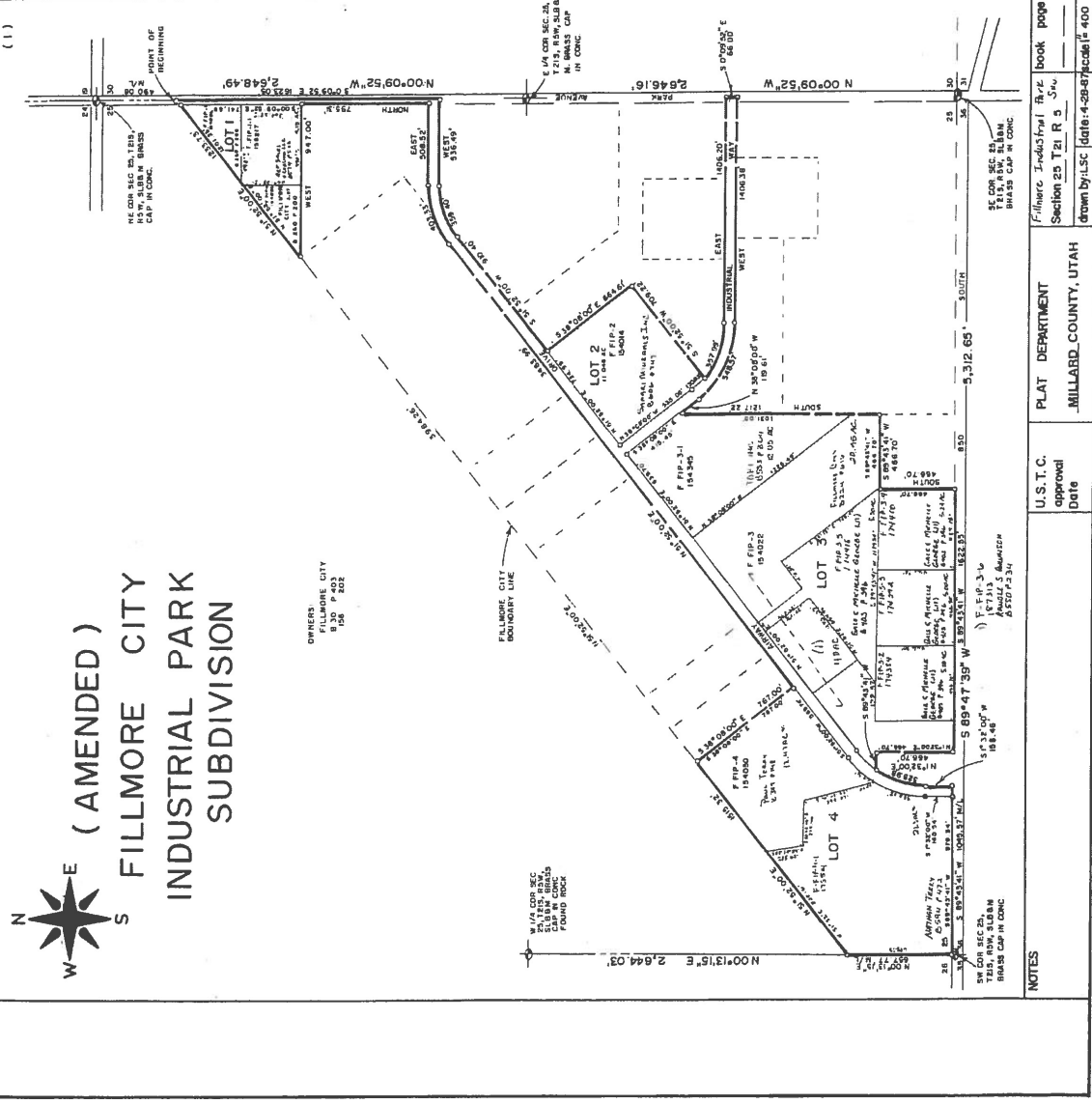
On this 23rd day of December, A.D., 2016, DAVID BARTON, whose identity is personally known to the notary or proven on the basis of satisfactory evidence, have admitted, in the presence of the notary, to signing the document voluntarily for its stated purpose.


Notary Public

Residing at:

My Commission Expires: 8/11/2017

TDFL-w1



NOTES	U.S.T.C. approval Date	PLAT DEPARTMENT MILLARD COUNTY, UTAH	Fillmore Industrial Park Section 25 T21 R 5 S14 drawn by LSC (date: 4-28-87) (scale: 1" = 400')	book page

Ownership- All (PDF) - PUBLIC

Account No Parcel	District Acres	Owner
Legal		
0154345 F-FIP-3-1	01 12.05	TDFI INC PO BOX 816 VERNAL, UT 84078-0816
BEG NE COR LOT 3, FILLMORE CITY INDUSTRIAL PARK SUBDIVISION, S 38°08'00" E 415.45 FT ALG S R/W INDUSTRIAL WAY, S 1031 FT, N 38°08'00" W 1225.49 FT, M/L TO E BDRY AIR WAY DR, N 51°52'00" E 639.7 FT M/L TO BEG.		