

**DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
SOLID WASTE LANDFILL PERMIT**

Kanab Sanitary Class II Landfill

Pursuant to the provision 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, R315-301 through 320 of the Utah Administrative Code adopted thereunder, a Permit is issued to:

Western Kane County Special Service Dist # 1 as owner and operator,
(Permittee),

to own and operate the Kanab Sanitary Class II Landfill located in Kane County, Utah as shown in the Permit Renewal Application that was determined complete on May 12, 2021 (DSHW-2021-006831).

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 _____.

This Permit shall expire at midnight _____.

Closure Cost Revision Date: _____.

Signed this _____ day of _____, 2021.

Doug Hansen, Director
Division of Waste Management and Radiation Control

FACILITY OWNER/OPERATOR INFORMATION

LANDFILL NAME:	Kanab Sanitary Class II Landfill
OWNER NAME:	Western Kane County Special Service Dist # 1
OWNER ADDRESS:	P.O. Box 36, Kanab, Utah 84741
OWNER PHONE NO.:	(435) 644-5089
OPERATOR NAME:	same as above
OPERATOR ADDRESS:	same as above
OPERATOR PHONE NO.:	same as above
TYPE OF PERMIT:	Class II Landfill
FACILITY LOCATION	1000 East Kaneplex Drive, Kanab, Utah (Utah/Arizona state line off U.S. Highway 89A)
PERMIT NUMBER:	9713R3
PERMIT HISTORY	This facility first received a permit to accept solid waste in 1997. This is the third renewal of the permit. This renewal permit is effective on the date shown on the signature page.

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.

The Permit renewal application, received April 22, 2021 (tracking number 2021-007004) for the Kanab Sanitary Class II Landfill, was deemed complete on the date shown on the signature page of this Permit. All representations made in the attachments of this permit 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.

This Permit consists of the signature page, Facility Owner/Operator Information section, sections I through IV, and all attachments to this Permit.

The facility as described in this Permit consists of a Class II landfill, recyclable materials and green waste staging areas, and a used tire collection staging area.

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.

The issuance of this Permit does not convey any property rights, in either real or personal property, or any exclusive privileges. 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. General Operation

I.A.1. The Permittee shall operate the landfill in accordance with all applicable requirements of R315-301 through 320 of the Utah Administrative Code, for a Class II landfill, 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, termination, or denial of a permit renewal application.

I.B. Acceptable Waste

I.B.1. This Permit is for the disposal of non-hazardous solid waste that may include:

I.B.1.a Municipal solid waste as defined by R315-301-2(47) of the Utah Administrative Code;

I.B.1.b Commercial solid waste as defined by R315-302-2(14) of the Utah Administrative Code;

I.B.1.c Industrial solid waste as defined by R315-302-2(35) of the Utah Administrative Code;

I.B.1.d Construction/demolition solid waste as defined by R315-301-2(17), of the Utah Administrative Code;

I.B.1.e Special waste as allowed by R315-315 of the Utah Administrative Code and authorized in section II.I of this Permit and limited by this section;

I.B.1.f Hazardous waste generated by a very small quantity generator as specified in R315-262-14 of the Utah Administrative Code;

I.B.1.g PCBs as specified by R315-315-7(2) of the Utah Administrative Code; and

I.B.1.h Regulated asbestos-containing material in compliance with R315-315-2 of the Utah Administrative.

I.B.2. The Permittee is limited to an average of 20 tons per day of municipal waste or a service area population of 8900. The daily average shall be determined by dividing the total tons, for facilities with scales, of municipal waste received in a calendar year by 365. For facilities that do not have scales the population served shall be used. If the 20 tons per day average is exceeded or the maximum population served is exceeded, the Permittee shall notify the Director and apply for a new permit for a Class I landfill.

I.C. Prohibited Waste

- I.C.1. Hazardous waste as defined by R315-261-3 of the Utah Administrative Code except as allowed in permit condition I.B.1.f (Acceptable Waste) of this Permit;
- I.C.2. Containers larger than household size (five gallons) holding any liquid; non-containerized material containing free liquids; or any waste containing free liquids in containers larger than five gallons;
- I.C.3. PCBs as defined by R315-301-2(53) of the Utah Administrative Code, except as allowed in Section I.B (Acceptable Waste) of this Permit.
- I.C.4. Any prohibited waste received and accepted for treatment, storage, or disposal at the facility shall constitute a violation of this Permit, of Utah Code Ann. § 19-6-101 through 125, and of R315-301 through 320 of the Utah Administrative Code.

I.D. Inspections and Inspection Access

- I.D.1. The Permittee shall allow the Director or an authorized representative, or representatives from the Southwest Public Health Department, to enter at reasonable times and:
 - I.D.1.a Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or R315-301 through 320 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 320 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 R315-301 through 320 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 R315-301 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.E.2. In the event of noncompliance with any permit condition or violation of an applicable rule, the Permittee 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 Permittee shall:
- I.E.3.a Document the noncompliance or violation in the daily operating record, on the day the event occurred or the day it was discovered;
 - I.E.3.b Notify the Director by telephone within 24 hours, or the next business day following documentation of the event; and
 - I.E.3.c 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. Within thirty days after 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.E.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.F. Revocation
- I.F.1. This Permit is subject to revocation if the Permittee fails to comply with any condition of the Permit. The Director will notify the Permittee 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.
- I.G. Attachment Incorporation
- I.G.1. Attachments to the Permit Application are incorporated by reference 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.H. Design and Construction
- I.H.1. The Permittee shall construct any landfill cell, sub-cell, run-on diversion system, runoff containment system, and final cover in accordance with an approved design in accordance with the R315-301 thru 320 of the Utah Administrative Code.
- If ground water is encountered during excavation of the landfill, the Director shall be notified immediately, and an alternative construction design shall be developed and submitted for approval.

The Permittee shall notify the Director upon completion of construction of any landfill cell, sub-cell, engineered control system, or any feature where Director approval is required. No landfill cell or engineered control system may be used until as-built documents are submitted and construction is approved by the Director and this permit has been modified to reflect the changes.

The Permittee shall notify the Director of any proposed incremental closure, placement of any part of the final cover, or placement of the full final cover. Design approval shall be received from the Director and this permit modified prior to construction. The design shall be accompanied by a Construction Quality Control and Construction Quality Assurance (CQC/CQA) Plan, for each construction season where incremental or final closure is performed.

A qualified party, independent of the owner and the construction contractor shall perform the quality assurance function on cover components and other testing as required by the approved CQC/CQA Plan. The results shall be submitted as part of the as-built drawings to the Director

All engineering drawings submitted to the Director shall be stamped and approved by a professional engineer with a current registration in Utah.

I.H.2. Run-On Control

I.H.2.a The Permittee shall construct drainage channels and diversions as specified in the Permit Application and shall maintain them at all times to effectively prevent runoff from the surrounding area from entering the landfill.

I.H.3. Equivalent Design

The Permittee proposed a landfill liner design that uses a geosynthetic clay liner in place of the clay component of the liner required by R315-303-3(3)(a)(ii) of the Utah Administrative Code. The proposed liner is approved.

II. LANDFILL OPERATION

II.A. Operations Plan

II.A.1. The Permittee shall keep the Operations Plan included in Attachment 1 on site at the landfill or at the location designated in section II.K of this Permit. The Permittee shall operate the landfill in accordance with the operations plan. If necessary, the Permittee may modify the Operations Plan following the procedures of R315-311-2(1) of the Utah Administrative Code and approved of by the Director. The Permittee shall note any modification to the Operations Plan in the daily operating record.

II.B. Security

II.B.1. The Permittee shall operate the Landfill so that unauthorized entry to the facility is restricted. The Permittee shall:

- II.B.2. Lock all facility gates and other access routes during the time the landfill is closed.
- II.B.3. Have at least one person employed by the Permittee at the landfill during all hours that the landfill is open.
- II.B.4. Construct all fencing and any other access controls as shown in the Permit Application to prevent access by persons or livestock by other routes.
- II.C. Training
- II.C.1. The Permittee shall provide training for on-site personnel in landfill operation, including waste load inspection, hazardous waste identification, and personal safety and protection.
- II.D. Burning of Waste
- II.D.1. Intentional burning of solid waste is prohibited and is a violation of R315-303-4(2)(b) of the Utah Administrative Code. Except as provided in this paragraph, intentional burning of solid waste is prohibited and is a violation of R315-303-4(2)(b) of the Utah Administrative Code. The Permittee is allowed to burn material by complying with the requirements of R307-202-5 of the Utah Administrative Code. The Permittee shall perform such burning in a segregated area within the landfill site. The Permittee shall extinguish all accidental fires as soon as reasonably possible. The Permittee's non-compliance with R307-202-5 of the Utah Administrative Code, as determined by the Director of the Division of Waste Management and Radiation Control, also constitutes non-compliance with this Permit.
- II.D.2. The Permittee shall extinguish all accidental fires as soon as reasonably possible.
- II.E. Daily Cover
- II.E.1. The Permittee shall completely cover the solid waste received at the landfill at the end of each working day with a minimum of six inches of earthen material.
- II.E.2. The Permittee may use an alternative daily cover material when the material and the application of the alternative daily cover meets the requirements of R315-303-4(4)(b) through (e) of the Utah Administrative Code.
- II.F. Ground Water Monitoring
- II.F.1. This facility is not required to monitor ground water (R315-303-3(3)(e)(iv) of the Utah Administrative Code).
- II.G. Gas Monitoring
- II.G.1. The Permittee shall monitor explosive gases at the landfill in accordance with the Gas Monitoring Plan contained in the Permit Application and shall otherwise meet the requirements of R315-303-3(5) of the Utah Administrative Code. If necessary, the Permittee may modify the Gas Monitoring Plan, provided that the modification meets all of the requirements of R315-301 through 320 of the Utah Administrative Code and is approved by the Director as a minor modification under R315-311-2(1) of the

Utah Administrative Code. The Permittee shall note any modification to the Gas Monitoring Plan in the daily operating record.

- II.G.2. If the concentrations of explosive gases at any of the facility structures, at the property boundary, or beyond the property boundary ever exceed the standards set in R315-303-2(2)(a) of the Utah Administrative Code, the Permittee shall:
 - II.G.2.a Immediately take all necessary steps to ensure protection of human health and notify the Director;
 - II.G.2.b Within seven days of detection, place in the daily operating record the explosive gas levels detected and a description of the immediate steps taken to protect human health;
 - II.G.2.c Implement a remediation plan that meets the requirements of R315-303-3(5)(b) of the Utah Administrative Code; and
 - II.G.2.d Submit the plan to, and receive approval from, the Director prior to implementation.

II.H. Waste Inspections

- II.H.1. 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. The Permittee shall conduct a complete waste inspection at a minimum frequency of 1 % of incoming loads, but no less than one complete inspection per day. The Permittee shall select the loads to be inspected on a random basis.
- II.H.2. The Permittee shall inspect all loads suspected or known to have one or more containers capable of holding more than five gallons of liquid to ensure that each container is empty.
- II.H.3. The Permittee shall inspect all loads that the Permittee suspects may contain a waste not allowed for disposal at the landfill.
- II.H.4. The Permittee shall conduct complete random inspections as follows:
 - II.H.4.a The Permittee shall conduct the random waste inspection at the working face or an area designated by the Permittee.
 - II.H.4.b The Permittee shall direct that loads subjected to complete inspection be unloaded at the designated area;
 - II.H.4.c Loads shall be spread by equipment or by hand tools;
 - II.H.4.d Personnel trained in hazardous waste recognition and recognition of other unacceptable waste shall conduct a visual inspection of the waste; and
 - II.H.4.e The personnel conducting the inspection shall record the results of the inspection on a waste inspection form as found in Appendix 1 of this Permit. The Permittee shall place the form in the daily operating record at the end of the operating day.

II.H.4.f The Permittee or the waste transporter shall properly dispose of any waste found that is not acceptable at the facility at an approved disposal site for the waste type and handle the waste according to the rules covering the waste type.

II.I. Disposal of Special Wastes

II.I.1. If a load of incinerator ash is accepted for disposal, the Permittee shall transport it to the place of disposal in such a manner as to prevent leakage or the release of fugitive dust. The Permittee shall completely cover the ash with a minimum of six inches of material, or the Permittee shall use other methods or material, if necessary, to control fugitive dust. The Permittee may use ash for daily cover when its use does not create a human health or environmental hazard.

II.I.2. The Permittee may dispose of animal carcasses in the landfill working face and shall cover them with other solid waste or earth by the end of the operating day in which the carcasses are received. Alternatively, the Permittee may dispose of animal carcasses in a special trench or pit prepared for the acceptance of dead animals. If a special trench is used, the Permittee shall cover animals placed in the trench with six inches of earth by the end of each operating day.

II.I.3. The Permittee shall handle and dispose of asbestos waste in accordance with R315-315-2 of the Utah Administrative Code

II.I.4. The Permittee shall handle and dispose of PCBs in accordance with R315-315-7 of the Utah Administrative Code.

II.J. Self-Inspections

II.J.1. 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 or the environment. The Permittee shall complete these general inspections no less than quarterly and shall cover the following areas: Waste placement, compaction, cover; fences and access controls; roads; run-on/run-off controls; intermediate cover; litter controls; and records. The Permittee shall place a record of the inspections in the daily operating record on the day of the inspection. The Permittee shall correct the problems identified in the inspections in a timely manner and document the corrective actions in the daily operating record.

II.K. Recordkeeping

II.K.1. The Permittee shall maintain and keep on file at the landfill office shop, a daily operating record and other general records of landfill operation as required by R315-302-2(3) of the Utah Administrative Code. The landfill operator, or other designated personnel, shall date and sign the daily operating record at the end of each operating day. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed. The daily operating record shall consist of the following two types of documents:

II.K.1.a Records related to the daily landfill operation or periodic events including:

- II.K.1.a.(i) 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;
- II.K.1.a.(ii) Major deviations from the approved plan of operation, recorded at the end of the operating day the deviation occurred;
- II.K.1.a.(iii) Results of monitoring required by this Permit, recorded in the daily operating record on the day of the event or the day the information is received;
- II.K.1.a.(iv) Records of all inspections conducted by the Permittee, results of the inspections, and corrective actions taken, recorded in the record on the day of the event.
- II.K.1.b Records of a general nature including:
 - II.K.1.b.(i) A copy of this Permit, including the Permit Application;
 - II.K.1.b.(ii) Results of inspections conducted by representatives of the Director, and of representatives of the local Health Department, when forwarded to the Permittee;
 - II.K.1.b.(iii) Closure and Post-closure care plans; and
 - II.K.1.b.(iv) Records of employee training.

II.L. Reporting

- II.L.1. The Permittee shall prepare and submit to the Director an Annual Report as required by 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 received, an annual update of the financial assurance mechanism and all training programs completed.

II.M. Roads

- II.M.1. The Permittee shall improve and maintain all access roads within the landfill boundary that are 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.

II.N. Litter Control

- II.N.1. Litter resulting from operations of the landfill shall be minimized. In addition to the litter control plans found in Attachment 1 of the Permit Application, the Permittee shall implement the following procedures when high wind conditions are present:
 - II.N.1.a Reduce the size of the tipping face;
 - II.N.1.b Reduce the number of vehicles allowed to discharge at the tipping face at one time;
 - II.N.1.c Orient vehicles to reduce wind effects on unloading and waste compaction;

- II.N.1.d Reconfigure tipping face to reduce wind effect;
- II.N.1.e Use portable and permanent wind fencing as needed; and
- II.N.1.f Should high winds present a situation that the windblown litter cannot be controlled, the Permittee shall cease operations of the landfill until the winds diminish.

III. CLOSURE REQUIREMENTS

III.A. Closure

III.A.1. The Permittee shall install final cover of the landfill as explained in Attachment 2. The final cover shall meet, at a minimum, the standard design for closure as specified in the R315-303-3(4) of the Utah Administrative Code plus sufficient cover soil or equivalent material to protect the low permeability layer from the effects of frost, desiccation, and root penetration. The Permittee shall submit to the Director a quality assurance plan for construction of the final landfill cover, and approval of the plan shall be received from the Director prior to construction of any part of the final cover at the landfill. A qualified person not affiliated with the Permittee or the construction contractor shall perform permeability testing on the recompacted clay placed as part of the final cover.

III.A.2. Title Recording

III.A.2.a The Permittee shall meet the requirements of R315-302-2(6) of the Utah Administrative Code by recording a notice with the Kane County Recorder as part of the record of title that the property has been used as a landfill. The notice shall include waste disposal locations and types of waste disposed. The Permittee shall provide the Director the notice as recorded.

III.B. Post-Closure Care

III.B.1. The Permittee shall perform post-closure care at the closed landfill in accordance with the Post-Closure Care Plan contained in Attachment 2. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of R315-302-3(7)(c) of the Utah Administrative Code is made.

III.C. Financial Assurance

III.C.1. The Permittee shall keep in effect and active the currently approved financial assurance mechanism or another approved mechanism that meets the requirements of R315-309 of the Utah Administrative Code and is approved by the Director to cover the costs of closure and post-closure care at the landfill. The Permittee shall adequately fund and maintain the financial assurance mechanism(s) 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, and the Permittee shall fully fund the trust fund within ten years of the date waste is first received at the landfill.

- III.C.2. With each annual revision of the closure and post-closure care cost estimate, the Permittee shall determine the annual payments to be made to the trust fund by the following formula:

$$NP=[CE-CV]/Y$$

where NP is the next payment, CE is the current cost estimate for closure and post-closure care (updated for inflation or other changes), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

III.D. Financial Assurance Annual Update

- III.D.1. The Permittee shall submit an annual revision of closure and post-closure costs for inflation and financial assurance funding as required by R315-309-2(2) of the Utah Administrative Code, to the Director as part of the annual report.

III.E. Closure Cost and Post-Closure Cost Revision

- III.E.1. The Permittee shall submit a complete revision of the closure and post-closure cost estimates by the Closure Cost Revision Date listed on the signature page of this Permit and any time the facility is expanded, any time a new cell is constructed, or any time a cell is expanded.

IV. ADMINISTRATIVE REQUIREMENTS

IV.A. Permit Modification

- IV.A.1. Modifications to this Permit may be made upon application by the Permittee/s or by the Director following the procedures specified in R315-311-2 of the Utah Administrative Code. The Permittee shall be given written notice of any permit modification initiated by the Director.

IV.B. Permit Transfer

- IV.B.1. This Permit may be transferred to a new permittee or new permittees by complying with the permit transfer provisions specified in R315-310-11 of the Utah Administrative Code.

IV.C. Expansion

- IV.C.1. This Permit is for a Class II Landfill. The permitted landfill shall operate according to the design and Operation Plan described and explained in this Permit. 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, shall require submittal of plans and specifications to the Director. The plans and specifications shall be approved by the Director prior to construction.

- IV.C.2. Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the Permit Application shall require submittal of a new permit application in accordance with the requirements of R315-310 of the Utah Administrative Code.
- IV.C.3. Any addition to the acceptable wastes described in Section I.B shall require submittal of all necessary information to the Director and the approval of the Director.
- IV.C.4. Acceptance for PCB bulk product waste under R315-315-7(3)(b) of the Utah Administrative Code can only be done after submittal of the required information to the Director and modification of Sections I.B and I.C of this Permit. Acceptance of a broader waste stream may also require a new permit and compliance with the requirements for a new permit under R315-301 through 320 of the Utah Administrative Code and Utah Code Ann. § 19-6-108.
- IV.D. Expiration
- IV.D.1. If the Permittee desires to continue operating this landfill after the expiration date of this Permit, the Permittee shall submit an application for permit renewal at least six months prior to the expiration date, as shown on the signature (cover) page of this Permit. If the Permittee timely submits a permit renewal application and the permit renewal is not complete by the expiration date, this Permit shall continue in force until renewal is completed or denied.

V. ATTACHMENTS

- Attachment 1 – Operations Plan
Attachment 2 – Closure & Post-Closure Plans