

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
SOLID WASTE LANDFILL PERMIT

DRAFT CLASS I SOLID WASTE PERMIT RENEWAL

Emery County Class I 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:

Emery County as owner and operator
Permittee,

to own, construct, and operate the Emery County Class I landfill located in SE ¼ of SE ¼ of Sections 9 and 16, Township 18 South, Range 8 East, Salt Lake Base Meridian, Emery County, Utah as shown in the Permit Renewal Application that was determined complete on November 8, 2021.

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 _____, 2022

Closure Cost Revision Date: _____, 2027

This Permit shall expire at midnight _____, 2032

Signed this _____ day of _____, 2022.

Douglas J. Hansen, Director
Division of Waste Management and Radiation Control

FACILITY OWNER/OPERATOR INFORMATION

LANDFILL NAME:	Emery County Class I Landfill
OWNER NAME:	Emery County P.O. Box 889 Castle Dale, UT 84513
OWNER ADDRESS:	Emery County P.O. Box 889 Castle Dale, UT 84513
OWNER PHONE NO.:	435-381-3510
OPERATOR NAME:	Emery County
OPERATOR ADDRESS:	Emery County P.O. Box 889 Castle Dale, UT 84513
OPERATOR PHONE NO.:	435-381-3510
TYPE OF PERMIT:	Class I Landfill
FACILITY LOCATION	Emery County Class I Landfill 475 West County Road 417 Castle Dale, UT 84513
PERMIT NUMBER:	9427R3
PERMIT HISTORY	This facility has been receiving waste since 1979. The first permit to officially allow Emery County to receive solid waste was given on June 1, 1998. Most recently, the landfill was given a renewal permit on November 8, 2011 (DSHW-2011-014101). This permit is the third renewal permit. Its effective is 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 for Emery County Class I Landfill was received October 20, 2021 (DSHW-2021-018181) and 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 V, and all attachments to this Permit.

The facility as described in this Permit consists of the scale house, maintenance building, a used oil and antifreeze collection area, MSW disposal areas, asbestos disposal cell, green waste collection pile, refrigerator/freezer collection area, and the area to collect metals for recycling.

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 I 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 III.H 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; and

I.B.1.g PCB's as specified by R315-315-7(2) of the Utah Administrative Code.

I.B.1.h The Permittee is authorized under this Permit to receive PCB wastes as defined in R315-315-7(3)(b) of the Utah Administrative Code approved by the Director or R315-315-7(3)(a) of the Utah Administrative Code for TSCA permitted facilities.

I.B.1.i The Permittee is authorized to receive for disposal regulated asbestos-containing material in compliance with R315-315-2 of the Utah Administrative Code.

I.B.1.j Acceptable wastes are restricted to wastes that are received under sole contracts with local governments, within the State of Utah, for waste generated within the boundaries of the local government. Each contract shall be approved by the Director prior to acceptance of the waste at the 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) above;
- 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; or
- 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;
- I.C.5. 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 local 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.

II. DESIGN AND CONSTRUCTION

II.A. Design and Construction

II.A.1. The landfill shall be constructed according to the design outlined in the Attachment 1 and in the area designated in the Attachment 1, including landfill cells, fences, gates, and berms prior to acceptance of waste.

- II.A.2. The Permittee shall notify the Director upon completion of construction of any landfill cells or run-on and run-off diversion systems. No landfill cells or run-on and run-off diversion 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.
- II.A.3. The Permittee shall notify the Director 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 Director. The design shall be accompanied by a CQC/CQA Plan, for each construction season where incremental or final closure is performed.
- II.A.4. 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.
- II.A.5. All engineering drawings submitted to the Director shall be stamped and approved by a professional engineer with a current registration in Utah.
- II.A.6. If ground water is encountered during excavation of the landfill, the Director shall be notified immediately, and a contingency plan implemented, or alternative construction design developed and submitted for approval.

II.B. Run-On and Run-off Control

- II.B.1. The Permittee shall construct drainage channels and diversions and shall maintain them at all times to effectively prevent runoff from the surrounding area from entering the landfill.

III. LANDFILL OPERATION

III.A. Operations Plan

- III.A.1. The Permittee shall keep the Operations Plan included in Attachment #2 on site at the landfill or at the location designated in Section III.J 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.

III.B. Security

- III.B.1. The Permittee shall operate the Landfill so that unauthorized entry to the facility is restricted. The Permittee shall:
- III.B.2. Lock all facility gates and other access routes during the time the landfill is closed.
- III.B.3. Have at least one person employed by the Permittee at the landfill during all hours that the landfill is open.

- III.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.
- III.C. Training
- III.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.
- III.D. Burning of Waste
- III.D.1. Intentional burning of solid waste is prohibited and is a violation of R315-303-4(2)(b) of the Utah Administrative Code.
- III.D.2. The Permittee shall extinguish all accidental fires as soon as reasonably possible.
- III.E. Daily Cover
- III.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.
- III.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.
- III.F. Gas Monitoring
- III.F.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.
- III.F.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:
- III.F.2.a Immediately take all necessary steps to ensure protection of human health and notify the Director;
- III.F.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;
- III.F.2.c Implement a remediation plan that meets the requirements of R315-303-3(5)(b) of the Utah Administrative Code; and
- III.F.2.d Submit the plan to, and receive approval from, the Director prior to implementation.

III.G. Waste Inspections

- III.G.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.
- III.G.2. The Permittee shall document in the daily operating record that each load is received under a contract approved by the Director.
- III.G.3. 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.
- III.G.4. The Permittee shall inspect all loads that the Permittee suspects may contain a waste not allowed for disposal at the landfill.
- III.G.5. The Permittee shall conduct complete random inspections as follows:
 - III.G.5.a The Permittee shall conduct the random waste inspection at the working face or an area designated by the Permittee.
 - III.G.5.b The Permittee shall direct loads subjected to complete inspection be unloaded at the designated area;
 - III.G.5.c Loads shall be spread by equipment or by hand tools;
 - III.G.5.d Personnel trained in hazardous waste recognition and recognition of other unacceptable waste shall conduct a visual inspection of the waste; and
 - III.G.5.e The personnel conducting the inspection shall record the results of the inspection on a waste inspection form as found in Appendix #2 of this Permit. The Permittee shall place the form in the daily operating record at the end of the operating day.
 - III.G.5.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.

III.H. Disposal of Special Wastes

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

III.I. Self-Inspections

III.I.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; final and 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.

III.J. Recordkeeping

III.J.1. The Permittee shall maintain and keep on file at the landfill office, 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:

III.J.1.a Records related to the daily landfill operation or periodic events including:

III.J.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;

III.J.1.a.(ii) Major deviations from the approved plan of operation, recorded at the end of the operating day the deviation occurred;

III.J.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;

III.J.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.

III.J.1.b Records of a general nature including:

III.J.1.b.(i) A copy of this Permit, including the Permit Application;

III.J.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;

III.J.1.b.(iii) Closure and Post-closure care plans; and

III.J.1.b.(iv) Records of employee training.

III.K. Reporting

III.K.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 cost, results of gas monitoring, and all training programs completed.

III.L. Roads

III.L.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.

III.M. Litter Control

III.M.1. Litter resulting from operations of the landfill shall be minimized. In addition to the litter control plans found in Landfill Office of the Permit Application, the Permittee shall implement the following procedures when high wind conditions are present:

III.M.1.a Reduce the size of the tipping face;

III.M.1.b Reduce the number of vehicles allowed to discharge at the tipping face at one time;

III.M.1.c Orient vehicles to reduce wind effects on unloading and waste compaction;

III.M.1.d Reconfigure tipping face to reduce wind effect;

III.M.1.e Use portable and permanent wind fencing as needed; and

III.M.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.

IV. **CLOSURE REQUIREMENTS**

IV.A. Closure

IV.A.1. The Permittee shall install final cover of the landfill as shown in the Attachment #3. 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.

IV.A.2. Title Recording

IV.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 Emery 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.

IV.B. Post-Closure Care

IV.B.1. The Permittee shall perform post-closure care at the closed landfill 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 R315-302-3(7)(c) of the Utah Administrative Code is made.

IV.C. Financial Assurance

IV.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.

IV.D. Financial Assurance Annual Update

IV.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.

IV.D.2. Closure Cost and Post-Closure Cost Revision

IV.D.3. 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.

V. ADMINISTRATIVE REQUIREMENTS

V.A. Permit Modification

V.A.1. Modifications to this Permit may be made upon application by the Permittee 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.

V.B. Permit Transfer

V.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.

V.C. Expansion

V.C.1. This Permit is for a Class I 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.

V.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.

V.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.

V.D. Expiration

V.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 submit 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.E. Contract Approval

V.E.1. The Permittee shall receive waste only from local governments that have contracts with the facility owner. All new contracts and changes in existing contracts shall be reviewed and receive approval from the Director prior to receipt of waste.

VI. ATTACHMENTS

Attachment 1 – Landfill Design and Construction Plan

Attachment 2 – Operations Plan

Attachment 3 – Closure and Post Closure Plan