

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL  
COAL COMBUSTION RESIDUALS  
SOLID WASTE PERMIT

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Hunter Power Plant  
Coal Combustion Residuals (CCR) 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 R315-320 adopted thereunder, a Permit is issued to:

PacifiCorp as owner and operator  
(Permittee),

to own and operate the CCR landfill located on the South half of the Southwest quarter of Section 15 and part of Section 22, Township 19 South, Range 8 East, Salt Lake Base and Meridian, Utah as shown in the Permit Application.

The Permittee is subject to the applicable requirements of R315-301 through R315-320 of the Utah Administrative Code and the requirements set forth herein.

All references to R315-301 through R315-320 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 \_\_\_\_\_, 2023

Closure Cost Revision Date \_\_\_\_\_, 2028

This Permit shall expire at midnight \_\_\_\_\_, 2033

Signed this \_\_\_\_\_ day of \_\_\_\_\_

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

## FACILITY OWNER/OPERATOR INFORMATION

FACILITY NAME: Hunter Power Plant

OWNER NAME: PacifiCorp

OWNER ADDRESS: 1407 West North Temple, Room 210  
Salt Lake City, UT 84116

OWNER PHONE NO.: (801) 220-2427

OPERATOR NAME: same as above

OPERATOR ADDRESS: same as above

OPERATOR PHONE NO.: (435) 687-4331

TYPE OF PERMIT: Coal Combustion Residuals

PERMIT NUMBER: *Application No. 23321*

LOCATION: South half of the Southwest quarter of Section 15 and part of Section 22, Township 19 South, Range 8 East, Salt Lake Base and Meridian, Emery County, Utah.

PERMIT HISTORY: The Hunter Power Plant property is approximately 2,000 acres. The CCR Landfill is 230 acres within the property. It has received disposal fly ash, bottom ash from burning coal, and flue gas desulphurization material. The permit is effective upon the date shown on the signature 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 PacifiCorp on January 27, 2017 (DSHW-2017-001169), and subsequent submissions to the Director under those rules.

This Permit does not exempt the Permittee from obtaining any other local, state, or federal permits or approvals required for the facility's 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.

I. GENERAL COMPLIANCE RESPONSIBILITIES

I.A. General Operation

I.A.1. The Permittee shall operate the Coal Combustion Residuals Landfill (Landfill) in accordance with all applicable requirements of R315-301 through R315-320 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 R315-320 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 Coal Combustion Residuals (CCR), as defined in R315-319-53(10) of the Utah Administrative Code, generated by the Hunter Power Plant.

I.C. Prohibited Waste

I.C.1. All solid waste, except for CCR and waste containing CCR that is generated on site, is prohibited from disposal in the Landfill.

I.D. Inspections and Inspection Access

I.D.1. The Permittee shall allow the Director or authorized representatives, or representatives from the Southeast Utah 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 R315-320, 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 R315-320, 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 Permittee shall promptly make corrections to the operation or take action 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 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 facility's operating record within three business days of when the event occurred or was discovered.
- I.E.3.b. Notify the Director of the Utah Division of Waste Management and Radiation Control by telephone, or electronic means, within 24 hours, or the next business day following the event or the discovery of an 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 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 319 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.

II. LOCATION RESTRICTIONS

II.A. Landfill

II.A.1. Unstable Areas

- II.A.1.a. Existing or new CCR units shall not be located in an unstable area unless the Permittee provides a demonstration following the requirements of R315-319-64. The Permittee completed a demonstration before October 17, 2018, in accordance with R315-319-64(d)(1) and placed it in the operating record.

III. DESIGN CRITERIA

The Permittee's Landfill was in operation before the effective date of the CCR rules.

III.A. Landfill

- III.A.1.a. 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 Permittee shall adopt measures that minimize CCR from becoming airborne in accordance with R315-319-80(a).

- IV.A.1.b. The Permittee shall control CCR fugitive dust according to the fugitive dust control plan which was amended, signed and certified by a qualified professional engineer and placed in the Permittee's operating record on October 5, 2015, according to R315-319-80(b)(6) and (7). The CCR fugitive dust control plan may be amended on the condition that the Permittee follows the requirements specified in R315-319-80(b)(6).

- IV.A.1.c. An annual CCR fugitive dust control report shall be prepared as required by R325-319-80(c) that includes a description of the actions taken by the Permittee to control CCR fugitive dust, a record of citizen complaints, and a summary of corrective measures taken.

- IV.A.1.d. Recordkeeping, notification, and internet requirements shall be followed in accordance with R315-319-80(d).

IV.A.2. Run-On and Run-Off Controls

- IV.A.2.a. The Permittee 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 Permittee provided that the revised plan is placed in the facility's operating record in accordance with R315-319-81(c)(2).
- IV.A.2.c. The Permittee, in accordance with Subsection R315-319-81(c)(3), completed an initial run-on and run-off control system plan that was certified and signed by a qualified professional engineer on September 30, 2016. The Permittee shall prepare and submit periodic run-on and run-off control system plans every five years after completion of the initial plan as required by R315-319-81(c)(4) and certified in accordance with R315-319-81(c)(5).
- IV.A.2.d. Recordkeeping, notification, and internet requirements shall be followed in accordance with R315-319-81(d).
- IV.A.3. Inspection Requirements
- IV.A.3.a. In accordance with R315-319-84(a)(1), the Permittee shall have a qualified person 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 and record the results as required by R315-319-105(g)(8), and meet the other applicable requirements of R315-319-84(a). The Permittee initiated the inspection and requirements prior to October 19, 2015.
- 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 as required by R315-319-84(b)(3). The Permittee shall also meet other applicable requirements of R315-319-84(b)(3) and (4). 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 annually conduct and complete an inspection one year after the date of completing the previous report. The inspection report is completed when it is placed in the facility's operating record in accordance with R315-319-105(g)(9).
- IV.A.3.e. Recordkeeping, notification, and internet requirements shall be followed in accordance with R315-319-84(c).

V. GROUNDWATER MONITORING AND CORRECTIVE ACTION

- V.A.1. All requirements in Section V of this permit apply to landfills and surface impoundment units. The Permittee achieved compliance prior to October 17, 2017, in accordance with R315-319-90(b). All new CCR units or lateral expansions shall comply with R315-319-90.

- V.A.2. The Permittee shall conduct groundwater monitoring, and if necessary, corrective action throughout the active life and post-closure care period in accordance with R315-319-90(c). In the event of a release from a CCR unit, the Permittee shall take all necessary measures, in accordance with R315-319-90(d), to control the release(s).
- V.A.3. Annual groundwater monitoring and corrective action reports shall be prepared by the Permittee no later than January 31, 2018, and annually thereafter and forward a notification to the Director when the report is posted to the public CCR website (no later than 30 days after the report is placed in the operating record) in accordance with R315-319-90(e). The Permittee achieved initial compliance in accordance with R315-319-90(e).
- V.A.4. The Permittee 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 Permittee has installed a groundwater monitoring system as required in R315-319-91(a) through (e). The Permittee obtained certification from a qualified professional engineer stating that the groundwater monitoring system meets the requirements of R315-319-91(f). The Permittee shall comply with recordkeeping, notification, and internet requirements stated in 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 in accordance with 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 in accordance with R315-319-93(e) through (g). The Permittee shall determine whether 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 Permittee shall comply with recordkeeping, notification, and internet requirements stated in R315-319-93(j).
- V.B.3. Detection Monitoring
- V.B.3.a. In accordance with R315-319-94, the Permittee conducted detection monitoring at all groundwater wells. The Permittee completed the requirements prior to October 17, 2017, and in accordance with R315-319-94(b) and (c). An alternative monitoring frequency may be considered if approved by the Director in accordance with R315-319-94(d). A statistically significant increase over background levels shall adhere to the requirements of R315-319-94(e).



The Permittee 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 Permittee shall conduct assessment monitoring as required in R315-319-95.

V.B.4.b. The Permittee shall comply with recordkeeping, notification, and internet requirements stated in R315-319-95(i).

V.B.5. Assessment Corrective Measures

V.B.5.a. Within 90 days of finding that any constituent listed in Appendix IV of R315-319 has exceeded the groundwater protection standards under R315-319-95(h), the Permittee shall initiate an assessment of corrective measures in accordance with R315-319-96.

V.B.5.b. Selection of Remedy

V.B.5.b.(1) Based on the results of the corrective measures assessment, the Permittee shall meet the standards, evaluation factors, and schedules in accordance with R315-319-97(a)-(d). The Permittee 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 Permittee shall initiate remedial activities in accordance with R315-319-98(a). If at any time it is determined that compliance is not being achieved, the Permittee shall follow the requirements of 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 Permittee shall follow notification and recordkeeping requirements in accordance with 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 in accordance with R315-319-101. The Permittee demonstrated compliance with the location restriction for unstable areas specified in Subsection R315-319-64(a); therefore, R315-319-101(d) is not applicable.

VI.A.2. Criteria for Conducting Closure or Retrofit of CCR Units

- VI.A.2.a. The Permittee placed and completed its initial written closure plan in the facility's operating record prior to October 17, 2016, in accordance with R315-319-102(b). The Permittee may amend its initial or subsequent written closure plan pursuant to R315-319-102(b)(3).
- VI.A.2.b. For closure by removal or leaving in place, the Permittee shall follow the requirements of R315-319-102(c) and (d), respectively. Initiation of closure and timeframes shall be adhered to in accordance with R315-319-102(e). Completion of closure activities shall be followed as required in R315-319-102(f) for this existing Landfill. No later than the date the Permittee initiates closure of a CCR unit(s), the Permittee 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. Unless the Director instructs otherwise, the Permittee will record an Environmental Covenant in accordance with the Uniform Environmental Covenants Act, Utah Code Section 57-25-101, *et seq.*, to meet the requirements of R315-319-102(i). 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 Permittee 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 Permittee of a CCR unit or lateral expansion of a CCR unit subject to closure may continue to receive CCR provided the Permittee meet either R315-319-103(a) or (b). The Permittee has demonstrated that this existing Landfill is compliant with the location restrictions for unstable areas as specified in Subsection R315-319-64(a), therefore R315-319-103 is not applicable.
- VI.A.4. Post-Closure Care Requirements
- VI.A.4.a. The Permittee shall follow post-closure requirements of R315-319-104. The Permittee placed and completed its initial written post-closure plan in the facility's operating record prior to October 17, 2016, in accordance with R315-319-104(d). The Permittee may amend a written post-closure plan in accordance with R315-319-104(d)(3), and the initial and any amendment of the written post-closure plan shall have a written certification from a qualified professional in accordance with R315-319-104(d)(4).
- VI.A.4.b. Notification of completion of post-closure care period shall be followed in accordance with R315-319-104(e).
- VI.A.4.c. The Permittee 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 Permittee maintain files of information in a written or electronic operating record at its facility for at least five years unless specified otherwise. The Permittee 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 in accordance with R315-319-105(j).
- VII.A.2. Notification Requirements
  - VII.A.2.a. The Permittee shall follow notification requirements in accordance with R315-319-106.
- VII.A.3. Publicly Accessible Internet Site Requirements
  - VII.A.3.a. The Permittee shall follow Internet site requirements in accordance with R315-319-107.