

**DIVISION OF SOLID AND HAZARDOUS WASTE
CLASS IIIb SOLID WASTE PERMIT**

**Brennan Bottoms Disposal Facility
Oil and Gas Exploration and Production Waste Landfill**

Pursuant to the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Part 1, Utah Code Annotated (Utah Code Ann.) (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code R315-301 through 320 adopted thereunder, this Permit is issued to

Brennan Bottoms Disposal Facility
(Permittee)

to own, construct and operate the Brennan Bottoms Disposal Facility (BBDF) CLASS IIIb Oil and Gas Exploration and Production Waste Landfill located in the SW1/4 of the SW1/4 of Section 19, Township 6 South, Range 21 East, Salt Lake Base and Meridian, Uintah County, Utah as shown in the Permit Application that was determined complete on March 10, 2015 (Document Number DSHW-2014-015701 and DSHW-2015-003336).

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 this Permit becomes effective.

This Permit shall become effective _____.

This Permit shall expire at midnight _____.

Closure Cost Revision Date: _____.

Signed this _____ day of _____, 2015

Scott T. Anderson, Director
Division of Solid and Hazardous Waste

FACILITY OWNER/OPERATOR INFORMATION

LANDFILL NAME: Brennan Bottoms Disposal Facility Class IIIb Oil and Gas Exploration and Production Waste Landfill

OWNER NAME: Brennan Bottoms Disposal, LLC

OWNER ADDRESS: 4091 West 3000 South, Roosevelt, Utah 84066

OWNER PHONE NO.: (435) 823-6116

OPERATOR NAME: Brennan Bottoms Disposal, LLC

OPERATOR ADDRESS: 4091 West 3000 South, Roosevelt, Utah 84066

OPERATOR PHONE NO.: (435) 823-6116

TYPE OF PERMIT: Class IIIb Oil and Gas Exploration and Production Waste Landfill

PERMIT NUMBER: 397

LOCATION: Township 6 South, Range 21 East, 21 East, SLMB Uintah County, Lat. 40° 16' 48", Long. 109° 35' 58.04."
3999 West 12250 South, Twelve Mile Wash Road, Vernal, Utah 84078.

PERMIT HISTORY Permit Signed *insert date signed*

PERMIT REQUIREMENTS

The term "Permit" as used in this Permit is defined in R315-301-2(55) of the Utah Administrative Code. The term "Director" as used in this Permit refers to the Director of the Division of Solid and Hazardous Waste.

Attachments to this Permit are hereby incorporated into this Permit. All representations 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 application, 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 Attachments.

The facility as described in this Permit consists of a scale house and maintenance building and the disposal cell for all permitted waste.

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, 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.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the landfill in accordance with all applicable requirements of R315-304 of the Utah Administrative Code that are in effect as of the date of this Permit unless otherwise noted in this Permit. Any permit noncompliance or noncompliance with any applicable portions of Utah Code Ann. § 19-6-101 through 125 and applicable portions of R315-301 through 320 of the Utah Administrative Code constitutes a violation of the Permit or applicable statute or rule and is grounds for appropriate enforcement action, permit revocation, modification or denial of a permit renewal application.

B. Acceptable Waste

The Permittee may accept for disposal any non-liquid oil and gas exploration and production waste.

C. Prohibited Waste

1. All types of solid waste as defined by § 19-6-102(19) of the Utah Code Annotated;
2. Hazardous waste as defined by R315-1 and R315-2 of the Utah Administrative Code;
3. PCBs as defined by R315-301-2(53) of the Utah Administrative Code;
4. Household waste as defined by R315-301-2(33) of the Utah Administrative Code;
5. Municipal waste as defined by R315-301-2(47) of the Utah Administrative Code; and
6. Commercial waste as defined by R315-301-2(14) of the Utah Administrative Code.

Any prohibited waste disposed in the Class IIIb cell 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.

D. Inspections and Inspection Access

The Permittee shall allow the Director or an authorized representative of the Director or representatives from the TriCounty Health Department to enter at reasonable times and:

1. 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;
2. 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;
3. 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
4. Create a record of any inspection by photographic, video, electronic, or any other reasonable means.

E. Noncompliance

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.

In the event of noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take all 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.

The Permittee shall:

1. Document the noncompliance or violation in the daily operating record on the day the event occurred or the day it was discovered;
2. Notify the Director by telephone within 24 hours or the next business day following documentation of the event; and
3. Submit to the Director within 30 days a written report describing the nature and extent of the noncompliance or violation and the remedial measures implemented 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 additional appropriate remedial measures including development of a site remediation plan for approval by the Director.

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.

F. Revocation

This Permit is subject to revocation if the Permittee fails to comply with any condition of the Permit. The Director shall 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.

G. Attachment Incorporation

Attachments to the Permit 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

A. Design and Construction

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

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 construction is approved by the Director and this Permit modified.

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 and modification of this Permit.

If ground water is encountered during excavation of the landfill, the Director shall be notified immediately and an alternative construction design developed and submitted for approval.

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

B. Run-On Control

The Permittee shall construct drainage channels and diversions as specified in Attachment 1 and shall maintain them at all times to effectively prevent runoff from the surrounding area from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The Permittee shall keep the Operations Plan in Attachment 2 onsite at the landfill or at the location designated in Section III-H of this Permit. The Permittee shall operate the landfill in accordance with the Operations Plan. If necessary and with the approval of the Director, 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 and is as protective of human health and the environment as the Operations Plan approved as part of this Permit. Any modification must be 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 Operations Plan in the daily operating record.

B. Security

The Permittee shall operate the landfill so that unauthorized entry to the facility is restricted. The Permittee shall:

1. Lock all facility gates and other access routes during the time the landfill is closed.
2. Have at least one person employed by the Permittee at the landfill during all hours that the landfill is open.
3. Construct all fencing and any other access controls as shown in Attachment 1 to prevent access by persons or livestock by other routes.

C. Training

The Permittee shall provide training for onsite personnel in landfill operation, including waste load inspection, hazardous waste identification and personal safety and protection.

D. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of R315-303-4(2)(b) of the Utah Administrative Code.

The Permittee shall extinguish all accidental fires as soon as reasonably possible.

E. Cover

The Permittee shall cover the waste as necessary to control fugitive dust. The Permittee shall record in the daily operating record and the operator shall certify at the

end of each day of operation when waste and cover are placed, the amount and type of cover placed and the area receiving cover.

F. Waste Inspections

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.

Any waste received at the landfill found to be unacceptable for disposal shall be disposed at a permitted solid waste disposal facility.

G. Self Inspections

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, ground water monitoring wells, 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.

H. Recordkeeping

The Permittee shall maintain and keep on file at the BBDF Offices, 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 include 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:

1. Records related to the daily landfill operation or periodic events including:
 - a. 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;
 - b. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
 - c. 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;
 - d. Records of all inspections conducted by the Permittee, results of the inspections and corrective actions taken shall be recorded in the record on the day of the event.

2. Records of a general nature including:
 - a. A copy of this Permit, including all attachments;
 - b. Results of inspections conducted by representatives of the Director of the Division of Solid and Hazardous Waste and of representatives of the local Health Department, when forwarded to the Permittee;
 - c. Closure and Post-closure care plans; and
 - d. Records of employee training.

I. Reporting

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, a re-application for approval of the financial assurance mechanism, all ground water monitoring results, the statistical analysis of ground water monitoring results and all training programs completed.

J. Roads

The Permittee shall improve and maintain all access roads within the landfill boundary that are used for transporting waste to the landfill for disposal as necessary to ensure safe and reliable all-weather access to the disposal area.

K. Ground Water Monitoring

The ground water monitoring requirement for the BBDF Landfill has been waived in accordance with R315-308-1(3) of the Utah Administrative Code.

IV. CLOSURE REQUIREMENTS

A. Closure

Final cover of the landfill shall be as shown in Attachment 3. The final cover shall meet, at a minimum, the standard design for closure as specified in R315-304-5(2)(b) of the Utah Administrative Code.

B. Title Recording

The Permittee shall meet the requirements of R315-302-2(6) of the Utah Administrative Code by recording a notice with the Uintah 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 with a copy of the recorded notice.

C. Post-Closure Care

The Permittee shall perform post-closure care at the closed landfill in accordance with the Post-Closure Care Plan contained in the Attachment 3. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the Director has authorized the owner or operator to discontinue any portion or all of the monitoring and maintenance activities required by R315-302-3(7)(c) of the Utah Administrative Code.

D. Financial Assurance

The Permittee shall keep the irrevocable letter of credit in effect and funded until closure and post-closure care activities are completed and the Director has released the facility from all post-closure care requirements as described in R315-309-11 of the Utah Administrative Code.

E. Financial Assurance Annual Update

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

F. Closure Cost and Post-Closure Cost Revision

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

A. Permit Modification

Modifications to this Permit may be made upon application by the Permittee or by the Director. The Permittee shall be given written notice of any permit modification initiated by the Director.

B. Permit Transfer

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.

C. Expansion

This Permit is for the operation of a Class IIIb Landfill according to the Design and Construction and the Operations Plan described and explained in Attachments 1 and 2. Any expansion of the current footprint designated in the description contained in the Permit, but within the property boundaries designated in the Permit, shall require submittal of plans and specifications to the Director. The plans and specifications shall be approved by the Director prior to construction.

Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the Permit shall require submittal of a new permit application in accordance with R315-310 of the Utah Administrative Code.

Any addition to the list of acceptable wastes in Section I-B shall require submittal of all necessary information to the Director and the approval of the Director.

D. Expiration

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 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.

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Permit Attachments

Attachment 1 - Design and Construction

Attachment 2 – Plan of Operation

Attachment 3 - Closure and Post Closure

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