

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT**

CLASS V LANDFILL

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Part 1, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

Contract Environmental Services, Inc.

is hereby approved to operate the Contract Environmental Services, Inc. Class V Landfill located in of Section 18, Township 39 South, Range 26 east, Salt Lake Base and Meridian, San Juan County, Utah as shown in the permit renewal application that was determined complete on date of completeness notification and tracking number.

The operation of the landfill is subject to the conditions that Contract Environmental Services, Inc. (Permittee) meet the requirements of UAC R315-301 through 320 and the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this Permit becomes effective.

This Permit shall become effective April 1, 2010.

This Permit shall expire at midnight April 1, 2020.

Closure Cost Revision Date April 1, 2015.

Signed this _____ day of _____, 2010.

Original Document signed by Dennis R. Downs on 3/30/10

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

FACILITY OWNER/OPERATOR INFORMATION

LANDFILL NAME: Contract Environmental Services Class V Landfill

OWNER ADDRESS: 925 S. Broadway, Suite 251
Cortez, Colorado 81321

OWNER PHONE NO.: 970-565-1198

TYPE OF PERMIT: Class V Landfill

PERMIT NUMBER: 0405R2

LOCATION: Landfill site is located in Township 39 South, Range 26 East, Section 18, SLMB; San Juan County, Lat. 37° 23' 47.22", Long. 109 ° 05' 44.76"

The facility is located approximately 19 miles north of Aneth, Utah and 2 miles west of Hovenweep National Monument.

PERMIT REQUIREMENTS

Permit as used in this document is defined in UAC R315-301-2(55).

The renewal application as deemed complete on the date shown on the signature page of this Permit, is hereby incorporated by reference into this Solid Waste Permit and will be referred to as the permit application throughout this Permit. All representations made in the permit application are part of this Permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this Permit and the permit application, the wording of this Permit supersedes that of the permit application.

This Permit consists of the signature page, and the permit application as defined above.

The facility as described in this Permit and the permit application consists of a gate house and separate disposal cells for asbestos and construction and demolition waste.

By this Permit to own and operate, 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 UAC R315-302 and 303, for a Class V 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 UCA 19-6-101 through 123 and applicable portions of UAC R315-301 through 320 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

This Permit is for the disposal of non-hazardous solid waste and is further limited to asbestos contaminated waste and construction and demolition waste only. Separate disposal cells shall be maintained for the disposal of construction and demolition waste and asbestos waste. All waste placed in the asbestos cell shall be considered to be asbestos waste.

C. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2 or no waste other than asbestos containing waste and construction and demolition waste as allowed in section IB of this permit. No asbestos waste may be placed in the construction and demolition waste cell.

Any prohibited waste received and accepted for disposal at the facility will constitute a violation of this Permit, of UCA 19-6-101 through 123 and of UAC R315-301 through 320.

D. Inspections and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, or representatives from the Southeastern Utah District 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 UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of this Permit or UAC R315-301 through 320;

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 UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

E. Noncompliance

If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 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 any noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility.

The Permittee shall: document the noncompliance or violation in the operating record on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board by phone within 24 hours or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification.

Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, 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 Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

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 UAC R315-301 through 320 and this Permit.

Compliance with the terms of 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.

F. Revocation

This Permit is subject to revocation if any condition of this Permit is not being met. The Permittee will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.

Revocation of this Permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility on the part of the Permittee for completion of closure and post-closure care for the facility required in UAC R315-302-3.

Revocation of this Permit will necessitate that the Executive Secretary exercise the option to require the funds or other mechanism provided for financial assurance for completion of closure and post-closure care for the facility required in UAC R315-302-3 be called.

G. Attachment Incorporation

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

A. Design and Construction

The Permittee shall construct any landfill cell, sub-cell, run-on diversion system, runoff containment system, waste treatment facility, or final cover in accordance with the design submitted as part of the permit application and in accordance with the Utah Solid Waste Permitting and Management Rules (UAC R315-301 thru 320). Separate disposal cells shall be constructed for the construction and demolition waste and for the asbestos waste. All waste placed in the asbestos cell shall be considered to be asbestos containing waste and must be handled as such. If ground water is encountered during excavation of the landfill, the Executive Secretary shall be notified immediately, and a contingency plan implemented or alternative construction design developed and submitted for approval.

The Permittee shall notify the Executive Secretary upon completion of construction of any landfill cell, sub-cell or engineered control system. No landfill cell or engineered control system may be used until as-built documents are submitted and construction is approved by the Executive Secretary.

The Permittee shall notify the Executive Secretary 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 Executive Secretary.

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

B. Run-On Control

Drainage channels and diversions shall be constructed as specified in the permit application and maintained at all times to effectively prevent runoff from the surrounding area from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the permit application and the solid waste permit issued by the Executive Secretary shall be kept onsite at the landfill or at the location designated in this Permit. The landfill shall be operated in accordance with the operations plan as included in the permit application. If necessary, the

facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320, is as protective of human health and the environment as that approved in the permit application, and is approved by the Executive Secretary as a minor modification under UAC R315-311-2(1)(a)(xiii). Any modification to the Operations Plan shall be noted in the operating record.

Any modification to the operations plan must be submitted to the Executive Secretary for approval and is considered a minor permit modification in compliance with UAC R315-311-2(1)(a)(xiii) unless the Executive Secretary determines the change should be subject to public comment under UAC R315-311-2(1)(b).

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is closed. At least one person, employed by Contract Environmental Services, Inc., shall be at the landfill during all hours that the landfill is open. Fencing and any other access controls as shown in the permit application shall be constructed to prevent access of persons or livestock by other routes.

C. Training

Permittee shall provide training for on-site 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 UAC R315-303-4(2)(b).

E. Daily Cover

The solid waste received at the asbestos cell shall be completely covered at the end of each working day with a minimum of six inches of earthen material. Any waste disposed in the asbestos cell is considered to be asbestos containing waste and must be covered by the end of the day the waste was disposed.

For disposal cell containing the construction and demolition waste only, the Permittee shall cover the waste periodically to prevent fires and to control

vectors, blowing litter, odor, scavenging, and fugitive dust. Cover shall be provided no less than monthly.

At the end of the operating day when cover is applied, the amount of cover placed and the area receiving cover shall be recorded in the operating record and certified by the operator for both the construction and demolition and the asbestos disposal cells.

F. Ground Water Monitoring

For the reasons outlined in Attachment 1 “Statement of Basis,” attached to this Permit, the ground water monitoring requirement for the Contract Environmental Services, Inc. landfill has been waived in accordance with R315-308-1(3). Any contamination of ground water resulting from operation of the landfill will result in the revocation of this waiver.

G. Gas Monitoring

The facility has met the requirements of UAC R315-303-3(5)(d) and is exempt from gas monitoring.

H. 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.

All loads that the operator suspects may contain a waste not allowed for disposal at the landfill will be inspected.

I. 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. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, compaction, cover, fences and access controls; roads; run-on/run-off controls; litter controls; and records. A record of the inspections shall be placed in the daily operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected in a timely manner. The corrective actions shall be documented in the daily operating record.

J. Recordkeeping

The Permittee shall maintain and keep on file at Contract Environmental Services, Inc. offices in Cortez, Colorado, a daily operating record and other general records of landfill operation as required by UAC R315-302-2(3). Upon notification of an inspection, the records maintained in the Cortez, Colorado office shall be moved to the landfill site to be available at the time of the inspection.

1. The daily operating record shall include the following items:
 - 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 other monitoring required by this Permit recorded in the 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. The general record of landfill operations shall include the following items:
 - a. A copy of this Permit including the permit application;
 - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Southeastern Utah District Health Department, when forwarded to the Permittee;
 - c. Closure and Post-closure care plans;
 - d. Records of employee training.

K. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). 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.

L. Roads

All access roads, within the landfill boundary, 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.

IV. CLOSURE REQUIREMENTS

A. Closure

Final cover of the landfill shall be as shown in the permit application. The final cover shall meet, at a minimum, the standard design for closure as specified in the UAC (R315-303-3(4)) plus sufficient cover soil or equivalent material to protect the low permeability layer from the effects of frost, desiccation, and root penetration. A quality assurance plan for construction of the final landfill cover shall be submitted to, and approval of the plan must be received from the Executive Secretary prior to construction of any part of the final cover at the landfill. A qualified person not affiliated with the landfill owner shall perform permeability testing on the recompacted clay placed as part of the final cover.

B. Title Recording

The Permittee shall meet the requirements of UAC R315-302-2(6) by recording with the San Juan County Recorder as part of the record of title that the property has been used as a landfill. The recording shall include waste locations and waste types disposed.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done 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 UAC R315-302-3(7)(c) is made.

D. Financial Assurance

The Permittee shall keep in effect and active the currently approved financial assurance mechanism or another mechanism that meets the requirements of UAC R315-309 to cover the costs of closure and post-closure care at the landfill. The financial assurance mechanism(s) shall be adequately maintained 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.

With each annual revision of the closure and post-closure care cost estimate, the annual payments to be made to the trust fund shall be determined 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.

With each annual revision of the closure and post-closure care cost estimate, the approved financial assurance mechanism shall be updated to reflect the current cost estimates.

E. Financial Assurance Annual Update

An annual revision of closure and post-closure costs for inflation and financial assurance funding as, required by R315-309-2(2), shall be submitted to the Executive Secretary as part of the annual report.

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 date listed on the signature page of this Permit, 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 Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

B. Permit Transfer

This Permit may be transferred to a new permittee or new permittees by meeting the requirements of the permit transfer provisions of UAC R315-310-11.

C. Expansion

This Permit is for the operation of a Class V Landfill in accordance with the design and Operation Plan described and explained in the permit application. 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, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to construction.

Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit application will require submittal of a new permit application in accordance with the requirements of UAC R315-310 and UCA 19-6-108(1)(d) and must receive all approvals required in UCA 19-6-108.

Any addition to the acceptable wastes described in Section 1B will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary

D. Expiration

Application for permit renewal shall be made at least six months prior to the expiration date, as shown on the signature (cover) page of this Permit. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this Permit will continue in force until renewal is completed or denied.

E. Status Notification

Eighteen months from the date of this Permit the Executive Secretary shall be notified in writing of the status of the construction of this facility unless construction is complete and operation has commenced. If construction has not begun within 18 months the Permittee must submit adequate justification to the Executive Secretary as to the reasons that construction has not commenced. If no submission is made or the submission is judged inadequate by the Executive Secretary, this Permit will be revoked

F. Construction Approval and Request to Operate

The Permittee shall meet each of the following conditions prior to receipt of waste:

1. The Permittee shall notify the Executive Secretary, prior to acceptance of waste, that all the requirements of this Permit have been met and all required facilities, structures and accounts are in place as required.
2. The Permittee shall submit to the Executive Secretary, for approval, documentation that all local zoning requirements and local government approvals have been obtained for operation of this landfill.
3. The Permittee shall submit to the Executive Secretary, prior to the construction of any portion of the landfill; including offices, fences, and gates; documentation that the permittee/s own/s or has/have a lease that allows this property to be used as a landfill.
4. Permittee must demonstrate that the lowest layer of non-inert waste is greater than 10 feet from the historic high ground water elevation. The Permittee must submit documentation of this demonstration for approval by the Executive Secretary.
5. The Permittee shall notify the Executive Secretary when the requirements for approval of the Governor and Legislative in UCA 19-6-108(3)(c) have been met. No construction may be commenced on the facility until the Executive secretary has received notice of Governor and Legislative approval and acknowledged receipt to the Permittee.

Attachment 1

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
LANDFILL PERMIT
STATEMENT OF BASIS FOR ASBESTOS CELL**

Owner: Contract Environmental Services, Inc.

Landfill Class: V – Commercial Nonhazardous Solid Waste Disposal Facility

Waste Accepted: Asbestos Containing Waste (Friable Asbestos), Construction and Demolition Waste

Basis for Permit Class and Requirements:

Friable asbestos waste is the result of work conducted by licensed asbestos abatement contractors. The potential health effects come from asbestos fibers entering the lungs. Asbestos abatement contractors are required to contain these fibers in double bags. Air is removed from the bag and subsequently sealed. The bag is then put in another bag from which the air is also removed and again sealed. These bags are transported in trucks that are lined and covered. Upon arrival at the disposal site, the bags are placed in the landfill disposal cell and are covered. Bags cannot be broken and the landfill cannot use compaction equipment on the waste. Bags are placed in the disposal cell by hand or with a small piece of equipment and every effort is made to maintain the integrity of the bags. Asbestos disposal facilities are required to fence the asbestos disposal cell and to place signs warning that friable asbestos has been disposed at the site.

Friable asbestos is a solid waste and is classified as a special waste requiring special handling under Utah Administrative Code (UAC) R315-315. Because of the special handling requirements that are required, material containing asbestos is specifically excluded from the definition of construction and demolition (C/D) waste and therefore is not to be disposed in a C/D landfill. Once the friable asbestos is placed in a disposal cell and covered, eliminating any human exposure opportunities, the health risk is extremely low. Friable asbestos is an appropriate waste for disposal in Class I, II, III or V landfills where proper operational procedures are detailed in the permit and are to be followed by the landfill operator.

Disposal of C/D waste is compatible with the disposal of asbestos containing waste. These waste have been shown to present little potential for contamination of ground water and will not present any litter potential. The one difference between an asbestos disposal cell and a C/D disposal cell is that the asbestos cell requires daily cover while the C/D cell requires monthly cover.

Specific Requirements for Contract Environmental Class V Asbestos Monofill

Contract Environmental Services, Inc. has proposed the construction and operation of a landfill cell to take material resulting from the abatement of structures containing friable asbestos and a landfill cell to take C/D waste. Because Contract Environmental Services, Inc. intends to operate the facility for a profit and receive asbestos-containing waste, the only landfill class that would apply is a Class V landfill. However, most of the siting, operation, monitoring and closure requirements that apply to a Class V landfill are not necessary for the limited type of waste to be disposed by Contract Environmental Services.

To provide the appropriate level of regulatory oversight and protection of public health and the environment while not placing unnecessary restrictions on the facility, a combination of requirements from the rules covering Class V and Class VI landfills has been used to permit the facility.

The siting criteria that are most appropriate for the level of risk posed by the facility are those for a Class VI landfill (commercial C/D) that takes dead animals. These siting criteria provide the necessary protection for public health and the environment through setback distances from buildings and other areas occupied by people as well as floodplain and wetlands preservation.

Additionally, operational requirements regarding the disposal of friable asbestos are also addressed by rules administered by the Utah Division of Air Quality. Inspection of the waste at the landfill is to be performed without opening the bags and the subsequent disposal is to be done without compaction or breaking the sealed bags. Proper soil or an alternative cover must be applied over the asbestos waste each day. Proper signs and fencing must be in place and maintained.

Inspections of the site along with closure and post-closure care are to be conducted in accordance with the requirements for a Class VI landfill found in UAC R315-305.