

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

Davis Energy Recovery Facility

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,

Wasatch Integrated Waste Management District as Owner and Operator

is hereby approved to operate the Davis Energy Recovery Facility located in Township 4 north , Range 1 west, NW ¼ of the SE ¼ Section 4, SLMB; Salt Lake Base and Meridian, Davis County, Utah as shown in the permit renewal application that was determined complete on November 29, 2007.

The operation of the incinerator is subject to the conditions that Wasatch Integrated Waste Management District as Owner and Operator (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 January 31, 2008.

This permit shall expire at midnight January 31, 2018.

Closure Cost Revision Date: January 31, 2013.

Signed this 28th day of January, 2008.

Original Document signed by Dennis R. Downs on 1/28/2008

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

FACILITY OWNER/OPERATOR INFORMATION

LANDFILL NAME: Davis Energy Recovery Facility

OWNER NAME: Wasatch Integrated Waste Management District as Owner and Operator

OWNER ADDRESS: 3404 North 650 East
Layton, Utah 84041

OWNER PHONE NO.: 801-614-5600

TYPE OF PERMIT: Energy Recovery Facility

BASE CAPACITY: The base capacity, for the purpose of compliance with UAC 19-6-108(1)(6), of this incinerator is 140,000 tons per year (which is approximately 384 tons per day). The capacity with this permit renewal will remain at 140,000 tons per year (which is 384 tons per day). The hourly incineration rate for this incinerator shall not be greater than the three-hour capacity allowed under the existing Air Quality Permit.

PERMIT NUMBER: #9423R1

LOCATION: Landfill site is located in Township 4 north , Range 1 west, NW ¼ of the SE ¼ Section 4, SLMB; Davis County, Lat. 41° 06' 34", Long. 111° 57' 16"

FACILITY ADDRESS: P.O. Box 900
650 East Highway 193
Layton, Utah 84041

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 the permit supersedes that of the permit application.

This permit consists of the signature page, Facility Owner/Operator Information section, sections I through V, and the permit application as defined above.

The facility as described in this permit consists of scale house and incinerator building.

This permit covers the waste acceptance, incineration, ash storage, and ash testing at the incinerator and does not cover the air pollution control equipment at the facility.

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 waste incinerator in accordance with all requirements of UAC R315-306 unless otherwise noted in this permit. Any permit noncompliance or noncompliance with any applicable rules in UAC R315-301 through 320 constitutes a violation of the permit or applicable 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 that may include municipal solid waste, commercial waste, industrial waste, construction/demolition waste, and special waste as allowed by UAC R315-315. The Permittee may accept conditionally exempt small quantity generator hazardous waste as specified in UAC R315-303-4(7)(a)(i)(B) and PCB's as specified by UAC R315-315-7(2).

C. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2 or PCB's as defined by UAC R315-301-2, maybe accepted for incineration at the facility. Any prohibited waste received and accepted for incineration at the facility will constitute a violation of this permit, of UCA 19-6-101 through 123 and of UAC R315-301 through 320. The facility is prohibited from burning hazardous waste and radioactive waste.

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 Davis County Health Department, to enter at reasonable times and:

1. Inspect the incinerator 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. Air Quality Permits

The Permittee shall maintain all authorizations required from the Utah Division of Air Quality for the operation of the incinerator and associated pollution control devices.

G. Ash Analysis

1. The Permittee shall sample the combined ash residue quarterly as described in the Combined Ash Residue Characterization and Quality Assurance Plan submitted as part of the permit renewal. The Permittee shall also follow R315-306-2(7).
2. Results of ash analysis shall be submitted to the Division of Solid and Hazardous Waste as part of the Annual Reporting requirements.
3. Results of all ash testing shall be kept on file at the facility and available for inspection for a minimum of three years.
4. If test results indicate that the combined ash residue exhibits hazardous characteristics, the facility shall verbally notify the Executive Secretary of the Solid and Hazardous Waste Control Board within two business days of the receipt of results and cease land-filling of any ash in a non-hazardous waste approved facility. Written notification including sample results shall be provided to the Executive Secretary within ten business days.
5. Following a sampling event which characterizes the ash as a hazardous waste, the Permittee shall conduct an additional seven day sampling event as described in the Combined Ash Residue Characterization and Quality Assurance Plan. Ash may again be disposed in a non-hazardous solid waste landfill only after additional sampling characterizes the ash as non-hazardous. Following two consecutive seven day sampling events that show the ash to be non-hazardous the Permittee may return to the sampling frequency set in the Combined Ash Residue Characterization and Quality Assurance Plan.
6. The Permittee must dispose of all ash in a landfill that is permitted to receive the ash as characterized.

H. 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 of the facility, nor remove any responsibility on the part of the permittee for completion of closure for the facility required in UAC R315-306-3(2)(h).

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 for the facility required in UAC R315-306-3(2)(i) be called.

I. 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. INCINERATOR OPERATION

A. Access Controls

The incinerator facility site shall be fenced and the entry gate shall be locked during the time the facility is not open.

B. Burning of Waste

Intentional burning of solid wastes outside the incinerator unit is prohibited. All accidental fires shall be extinguished immediately.

C. Recordkeeping

The Permittee shall maintain and keep an *Operating Record* at the incinerator facility site, at the offices of Wasatch Integrated Waste Management District shown on the facility owner operator page of this permit, or at another location determined acceptable by the Executive Secretary. This *Operating Record* for the facility shall be made available for inspection during normal operating hours. The *Operating Record* shall include:

- a. Copy of this permit including the permit application;
- b. Number of vehicles entering the site each day of operation;
- c. Record of the weights of waste received each day of operation;
- d. Record of the weights of waste incinerated each day;
- e. Record of the weights of ash removed and the disposal destination of the ash;
- f. Records of any inspections;
- g. Records of any noncompliance.

Weights of waste incinerated daily shall be recorded in the *Operating Record*. Weights of waste incinerated shall be noted in pounds per hour based on an average hourly rate.

D. Reporting

An *Annual Report* shall be prepared and submitted to the Executive Secretary by March 1 of each year for the preceding calendar (or fiscal) year of facility operation. This *Annual Report* shall include:

- a. The name and address of the facility;
- b. the calendar (or fiscal) year covered by the report;
- c. the annual quantity of waste incinerated (in tons);
- d. the annual update of the closure costs and financial assurance requirement;
- e. any training program completed;
- f. and any other information required by the Executive Secretary.

E. Operations Plan

1. The Operations Plan included in the permit application and the solid waste permit issued by the Executive Secretary shall be kept onsite at the incinerator.
2. The incinerator 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).
3. Any modification to the Operations Plan shall be noted in the operating record.

III. CLOSURE REQUIREMENTS

A. Financial Assurance for Closure

1. The established financial assurance shall be updated each year of operation and adjusted for any inflation or facility modification that may have affected the closure costs.
2. Any changes in the closure cost must be reflected in the estimated closure costs reported on the annual report.

3. The Permittee has established a Local Government Financial Test and an escrow account for the cost of the closure estimate. In accordance with Rule R315-309, the permittee must maintain sufficient money in the escrow account, in combination with the Local Government Financial Test to cover the closure cost estimate.
4. The Permittee must notify the Executive Secretary of the Utah Solid and Hazardous Waste Control Board 120 days in advance of cancellation of the two financial mechanisms mentioned above. No financial assurance mechanism may be cancelled until another financial assurance mechanism meeting the requirements of Rule R315-309 is in place and approved by the Executive Secretary.

B. Closure

1. The final closure of the incinerator facility shall consist of removing any waste remaining at this facility to an approved solid waste disposal facility and decontaminating and decommissioning all the facility equipment to the extent practicable.
2. All electrical equipment shall be de-energized and all hazardous materials shall be removed from this site.
3. All ash shall be removed and disposed at an approved disposal facility.
4. All other utilities, including water and compressed air, shall be disconnected.

C. 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.

IV. ADMINISTRATIVE REQUIREMENTS

A. Permit Modification

Modifications to this permit may be made by the Executive Secretary when necessary as a result of new information or statutory or regulatory changes, or upon approval by the Executive Secretary of the Permittee's request for modification. 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 by meeting the requirements of the permit transfer provisions of UAC R315-310-10.

C. Expiration

An application for a 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 but the permit renewal is not complete by the expiration date, this permit shall continue in force until renewal is completed or denied.

D. Revocation

This permit is subject to revocation if any condition of the 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 the Solid Waste Rules and the *Utah Administrative Procedures Act*.