

Salt Lake County

Health Regulation

#1

**SOLID WASTE
MANAGEMENT AND PERMITTING**

**Adopted by the Salt Lake County Board of Health
September 7, 1989**

**Amended
October 5, 1989, July 7, 1994,
February 5, 1998, August 7, 2008
October 1, 2009
December 4, 2014
June 1, 2017
 , 2026**

**Under Authority of
Utah Code Ann. §§ 26A-1-109(8), 26A-1-114, 26A-1-121(1)**

1. PURPOSE & APPLICABILITY OF REGULATION

- 1.1 The purpose of this ~~R~~regulation is to regulate the management of solid waste in a way that will protect public health, safety, welfare, and the environment; will prevent the spread of disease, the creation of ~~nuisances~~ hazards and damage to property; and will minimize environmental pollution.
- 1.2 This ~~R~~regulation applies to persons engaged in the handling, processing, collection, transporting or disposal of solid waste. This ~~R~~regulation also applies to locations where solid waste is accumulated, stored, disposed of, or processed.

2. DEFINITIONS

For the purpose of this ~~R~~regulation, the following phrases, terms, and words shall have the meanings given in this section:

- 2.1 “Active life” ~~shall means~~ the period of time that solid waste is routinely and regularly received at a solid waste management facility.
- 2.2 ~~“Active portion” shall means the portion of a solid waste management facility where treatment, storage, handling, or disposal operations are being or have been conducted. An “active portion is not a “closed portion.”~~ “Active area” as defined in Utah Administrative Code R315-301-2, means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being conducted.
- 2.3 “Agricultural waste” ~~shall means~~ manure or crop residues from various agricultural pursuits, including, but not limited to dairies and the raising of livestock and poultry.
- 2.4 “Airport” ~~shall as defined in Utah Administrative Code R315-301-2, means an public use airport open to the public without prior permission and without restrictions within the physical capabilities~~ capacities of available facilities, and any active military portion.
- 2.5 “Approved” means acceptable to the Department based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- 2.6 “Aquifer” ~~shall as defined in Utah Administrative Code R315-301-2, means a geologic formation, group of formations, or part~~ portion of a formation that contains sufficiently saturated permeable material to eapable of yielding a significant amount usable quantities of groundwater to a wells or springs.

- 2.7 “Asbestos” ~~shall means~~ the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, ~~and~~ actinolite-tremolite, and Libby amphibole.
- 2.8 “Asbestos waste disposal site” ~~shall means~~ a landfill or landfill cell which is permitted by the Department to accept asbestos containing material.
- 2.9 “Asbestos-containing material” ~~shall means~~ any material containing more than 1% asbestos as determined using the method specified in 40 C.F.R. § 763.1, Appendix E to Subpart E. Polarized Light Microscopy (PLM). If the asbestos content is greater than a trace amount, but less than 10%, the asbestos concentration shall be determined by point counting using PLM or any other method approved by the Department.
- 2.10 “Asbestos waste” ~~as applied in this Regulation shall means “asbestos-containing waste material” defined in Utah Administrative Code R307-801, Utah Asbestos Rule; “Asbestos-Containing Waste Material (ACWM)” means any waste generated from regulated asbestos-containing material (RACM) that contains any amount of asbestos and is generated by a source subject to the provisions of Utah Administrative Code R307-801, Utah Asbestos Rule. This term includes filters from control devices, friable asbestos-containing waste material, and bags or other similar packaging contaminated with asbestos. As applied to demolition and renovation projects, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos, including such as disposable equipment and clothing.~~ as defined in Utah Administrative Code R315-301-2, means friable asbetos, which is any material containing more than 1% asbestos as determined using the method specified in Appendix A, 40 CFR Part 763.1, 2001 ed., which is incorporated by reference, that if dry, can be crumbled, pulverized, or reduced to powder by hand pressure.
- 2.11 “Ash residue”
- 2.11.1 ~~shall means~~ all the solid residues and ~~any~~ entrained liquids resulting from the combustion of solid waste, ~~including~~
- 2.11.2 “Ash residue” ~~includes~~ bottom ash, boiler ash, fly ash, and residues collected from the solid residue of any air pollution control deviceequipment.
- 2.12 “Automobile dismantling yard” ~~shall means~~ a lot or portion thereof, tract or parcel of land, structure or business, which is lawfully licensed to be used, maintained or operated for storing, collecting, keeping, buying, dismantling, or selling of vehicle parts.
- 2.13 “Background” or “Background concentration” ~~shall as defined in Utah Administrative Code R315-301-2, means the concentration of a contaminant in groundwater upgradient or a lateral hydraulically equivalent water point upgradient of, or at a lateral hydraulically equivalent point from, a solid waste management from a facility, practice, or activity, and which has not been affected by activitiesy at that facility, practice, or activity.~~

- 2.14 “Baseline water quality” ~~shall means~~ the chemical composition of groundwater or surface water ~~before deposition~~ prior to the placement or processing of solid waste at a solid waste management facility.
- 2.15 “Board” ~~shall means~~ the Salt Lake County Board of Health.
- 2.16 “Bulky waste” ~~shall means~~ large items of solid waste including, but not limited to, appliances, furniture, construction and demolition waste, motor vehicles, tires, trees, branches, and stumps.
- 2.17 “Cell” ~~shall means~~ a discrete engineered area of a landfill that is designed for the disposal of solid waste. A “cell” is a subpart of a landfill.
- 2.18 “Clay” ~~shall means~~:
- 2.18.1 ~~the~~ mineral soil particles less than 0.002 millimeters in diameter; or
- 2.18.2 a soil material that ~~is~~ contains 40% or more clay and either less than 45% sand or less than 40% silt.
- 2.19 “Clean fill” ~~shall means~~ uncontaminated rock, soil, gravel, and inert solid waste that is suitable to be utilized for engineering or grading purposes.
- 2.20 “Closed portion” ~~shall means~~ a discrete portion of a solid waste management facility ~~which~~ that has been closed in accordance with the closure requirements of this Regulation.
- 2.21 “Combustion” ~~shall means~~ the thermal treatment of solid waste in a device that uses elevated temperatures as the primary method to change the chemical, physical, or biological character or composition of the waste.
- 2.22 “Commercial solid waste” as defined in Utah Administrative Code R315-301-2, ~~shall means~~ any type of solid waste generated by retail stores, offices, restaurants, warehouses, and other non-manufacturing commercial activities, excluding, household waste and industrial wastes. ~~“Commercial waste” does not include household waste or industrial waste.~~
- 2.23 “Compaction” ~~shall means~~ the volume reduction of material under load.
- 2.24 “Compost” ~~shall means~~ organic waste material that has biologically decomposed or is in the process of biologically decomposing under controlled conditions.
- 2.25 “Composting” ~~shall~~ as defined in Utah Administrative Code R315-301-2, means a method of solid waste management whereby the organic component of the waste stream is biologically decomposed under controlled aerobic conditions, at a temperature of 140 degrees Fahrenheit, 60 degrees Celsius, or higher, for at least part of each day of a consecutive seven day period, to a state where in which the end product or compost can be safely handled, stored, or applied to the land without adversely affecting human

health or the environment.

- 2.26 “Composting facility” ~~shall means~~ a processing facility where composting occurs or where that provides compost is produced as a part of a composting process.
- 2.27 “Confined aquifer” ~~shall means~~ an aquifer containing groundwater under a pressure greater than atmospheric pressure, and from which water in a well usually typically rises to a level above the top of the aquifer.
- 2.28 “Construction and demolition landfill” ~~shall means~~ a landfill that is permitted by the Department to accept only construction and/or demolition waste.
- 2.29 “Construction and demolition waste” as defined in Utah Administrative Code R315-301-2, means solid waste from building materials, packaging, and rubble resulting from construction, remodeling, repair, abatement, rehabilitation, renovation, and demolition operations on pavements, houses, commercial buildings, and other structures, including waste from a very small quantity generator of hazardous waste, as defined by Utah Administrative Code R315-260-10, that may be generated by these operations.

2.29.1 This waste may include:

- (i) Concrete, bricks, and other masonry materials;
- (ii) Soil and rock;
- (iii) Waste asphalt;
- (iv) Rebar contained in concrete; and
- (v) Untreated wood, and tree stumps.

2.29.2 Construction or demolition waste does not include:

- (i) Friable asbestos;
- (ii) Treated wood; or
- (iii) Contaminated soils or tanks resulting from remediation or clean up at any release or spill.

2.29.3 ~~Shall means solid waste resulting from the construction, remodeling, repair, abatement, rehabilitation, renovation, or demolition of structures; from road building; and from land clearing. The term~~ Such waste includes bricks, concrete, and other masonry materials; soil; rock; wall coverings; plaster; drywall; and other inert material; plumbing fixtures; asbestos-free insulation; roofing shingles; asphaltic pavement; glass; plastics that are not sealed in a way that conceals other wastes; wood; concrete reinforcing material; non-regulated asbestos-containing material and metals that are incidental to any of the above.

2.29.4 ~~“Construction and demolition waste” does not include hazardous waste, regulated asbestos-containing material, garbage, fluorescent electrical fixtures containing mercury-containing lamps or fixtures, refrigeration units containing chlorofluorocarbons, radioactive waste, tires, containers with liquid or unrecognizable wastes, or fuel tanks.~~

2.29 “Container” shall mean any portable device in which a solid waste is stored, transported, treated, disposed of, or otherwise handled.

2.30 “Contamination” shall mean a condition resulting from any alteration of the physical, chemical, or biological properties of any environmental media, ~~including such as~~ air, surface water, groundwater, and soil, or from the release or discharge of any liquid, gaseous, or solid substance into any waters of the state ~~as will that~~ creates a ~~nuisance hazard~~ or renders such waters harmful, ~~or detrimental~~, or injurious to public health, safety, welfare, or the environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, other domesticated animals, wild animals, birds, fish or other aquatic or ~~botanic~~ plant life. Contamination results from the presence or introduction of a contaminant.

2.31 “Contaminant” ~~shall as defined in Utah Administrative Code R315-301-2, means any physical, chemical, biological, or radiological substance or matter placed in the water or soil, air, soil, or water as that is a result, directly or indirectly, of human, animal, or other activity. A contaminant may cause or contribute to contamination as defined in this Regulation.~~

2.32 “Cover material” shall mean soil or other material approved by the Department that is used to cover compacted solid waste, and that is both free of objects that hinder compaction and is not conducive to vector harborage, feeding, or breeding.

2.33 “Department” shall mean the Salt Lake County Health Department, SLCoHD.

2.34 “Demolition” as applied in this Regulation shall mean “demolition project” as defined in Utah Administrative Code R307-801, Utah Asbestos Rule.

2.35 "Demolition Project"

2.35.1 ~~Shall mean the wrecking, salvage, or removal of any load-supporting structural member of a regulated facility together with any related handling operations, or the intentional burning of any regulated facility. This includes the moving of an entire building, but excludes the moving of structures, vehicles, or equipment with permanently attached axles, such as trailers, motor homes, and mobile homes that are specifically designed to be moved. The wrecking, salvage, or removal of structural members not addressed above will be considered renovation. Renovations are not regulated by the Department in this Regulation.~~

2.35.2 “Demolition” shall include the wrecking, salvage, or removal of load-supporting structural members or the intentional burning of any structure in Salt Lake County.

- 2.35“Director” ~~shall means~~ the Director of the Salt Lake County Health Department or his or her designated representative.
- 2.36“Discharge” ~~shall means~~ the accidental or intentional releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any solid waste or solid waste constituent, or wastewater, including leachate, into or on any air, land, or water.
- 2.37“Down-gradient well” ~~shall means~~ a well installed at a point lower in hydraulic potential relative to other points at a solid waste management facility.
- 2.38“Dust” ~~shall means~~ any particulate matter from soils, minerals, ash, or other material that is capable of being suspended in air.
- 2.39“Emissions” ~~shall means~~ the act of discharging into the atmosphere ~~of any~~ air contaminant or ~~an~~ effluent ~~which~~that contains or may contain an air contaminant, or the effluent so discharged into the atmosphere.
- 2.40“Etiologic agent” ~~shall means~~ any micro-organism, helminth, or virus that causes, or significantly contributes to ~~the causing of~~ increased morbidity or mortality ~~of~~in human beings.
- 2.41 “Facility” ~~shall means a solid waste management facility as defined in Utah Administrative Code R315-301-2 means the contiguous land, structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal operational units, for example, one or more incinerators, landfills, container storage areas, or combinations of these.~~
- 2.42“Final cover” ~~shall means~~ a compacted layer of cover material, at least 24 inches thick, ~~that is~~ placed on all surfaces of a landfill where no additional solid waste will be deposited within one year. The upper ~~6 six~~ inches ~~shall be~~must consist of soil ~~of a composition suitable to sustain plant growth. The lower portion shall be~~must be composed of a material that restricts infiltration and has a permeability less than or equal to ~~the permeability that~~ of any bottom liner system or natural subsoils present, or a permeability no greater than 1×10^{-5} cm/sec, whichever is less, The final cover must and will minimize infiltration through the closed landfill by incorporating the use of an infiltration layer of at least that contains a minimum 18 inches of earthen material, graded at with a minimum 2% slope on the cap surface and a maximum of 33% slope on the sides.
- 2.43“Floodplain” ~~shall as defined in Utah Administrative Code R315-301-2, means land that has been, or may be, hereafter covered by flood water which has having a 1% chance of occurrence in any given year. The flood is also referred to as the base flood or 100-year flood as referenced in Utah Administrative Code R315-301.~~
- 2.44“Freeboard” ~~shall means~~ the vertical distance between the lowest elevation of the top of a tank, surface impoundment, or dike and the highest level of the surface of the solid

waste contained therein.

- 2.45 “Garbage” ~~shall as defined in Utah Administrative Code R315-301-2 means discarded solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, storing, serving, and consumption of food, and of a character and proportion as to be capable of attractive or providing food for vectors. Garbage does not include sewage and sewage sludge, or materials intended for use as food, and all offal (excluding useful industrial by products) from all public and private establishments and from all residences.~~
- 2.46 “Generator” ~~shall means~~ any person that first creates or causes a product or material to become a solid waste or whose act or process produces a solid waste.
- 2.47 “Groundwater” ~~shall means~~ subsurface water ~~which~~that is in the zone of saturation, including perched groundwater.
- 2.48 “Groundwater table” ~~shall means~~ the naturally occurring surface of groundwater at which it is subjected to atmospheric pressure. “Groundwater table” does not include the potentiometric ~~head level~~surface in a confined aquifer.
- 2.49 “Hauler”
- 2.49.1 ~~Shall mean~~ means a person engaged in the off-site collection and transportation of solid waste by vehicle, ~~and~~
- 2.49.2 ~~“Hauler” shall include, but not be~~ includes but is not limited to, waste haulers, liquid waste haulers, waste tire haulers, and infectious medical waste haulers.
- 2.50 “Hazardous waste” ~~shall means~~ a solid waste, or a combination of solid wastes other than household waste which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or an incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 2.51 “Holocene fault” as defined in Utah Administrative Code R315-301-2, means a fracture or zone of fractures where rocks on one side of the fracture have been displaced with respect to those on the other side, which has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene, about 11,000 years ago, to the present.
- 2.52 “Household hazardous waste” ~~shall means~~ solid waste generated and discarded from any single or multiple dwelling unit, campsite, ranger station, or other residential source that is exempt from hazardous waste regulation under Utah Administrative Code R315-2-4261, Utah Hazardous Waste Management Rules. The container size normally and reasonably associated with households and household activities is five~~5~~ gallons or less.

- 2.53 “Hydraulic conductivity” shall mean a measure of the capacity of a formation or material to transmit water. It is expressed as the volume of water that will move through a one unit square area under a unit hydraulic gradient in a specified time.
- 2.54 “Impermeable” shall mean having a hydraulic conductivity equal to or less than 1×10^{-7} cm/sec as determined by field ~~and~~ laboratory permeability tests conducted in accordance made according to with standard test methods that may be correlated with soil densification as determined by a compaction test.
- 2.55 “Incineration” ~~shall mean the controlled thermal process by which solid wastes are physically or chemically altered to gas, liquid, or solid residues that are also regulated solid wastes. “Incineration” includes the thermal destruction of solid waste for energy recovery. “Incineration” does not include smelting operations in which where metals are reprocessed, or the refining, processing, or burning of used oil for energy recovery as described defined in Utah Administrative Code R315-301-2 15 Standards for the Management of Used Oil. as defined in Utah Administrative Code R315-301-2 means a~~ controlled thermal process that physically or chemically alters solid wastes into gas, liquid, or solid residues that are also regulated solid wastes. Incineration includes the thermal destruction of solid waste for energy recovery. Incineration does not include smelting operations where metals are reprocessed or the refining, processing, or burning of used oil for energy recovery. Incineration does not include smelting operations where metals are reprocessed or the refining, processing, or burning of used oil for energy recovery as described in Utah Administrative Code R315-15.
- 2.56 “Incinerator” shall mean a device used for the incineration of solid waste that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.
- 2.57 “Industrial solid waste” shall mean solid waste generated ~~by at a manufacturing or other industrial facility that is not a hazardous waste or that is a hazardous waste from a very small quantity generator of hazardous waste, as defined by Utah Administrative Code R315-260-10, generated by an industrial facility. an industrial process. Such waste is generated by the following processes: including, but not limited to, electric power generation; fertilizer or and other agricultural chemical manufacturing; food and related products preparation; inorganic chemicals manufacturing; iron and steel manufacturing; leather and leather products manufacturing; nonferrous metals manufacturing/ and foundries; organic chemical production; plastics and resins manufacturing; pulp and paper production; rubber and miscellaneous plastic products production; stone, glass, clay and concrete products manufacturing; textile manufacturing; transportation equipment production; and water or wastewater treatment. Industrial solid waste includes waste from the following industries or resulting from the following manufacturing processes and associated activities:~~
- 2.57.1 Electric power generation;
 - 2.57.2 Fertilizer or agricultural chemical industries;
 - 2.57.3 Food and related products or by-products industries;
 - 2.57.4 Inorganic chemical industries;

2.57.5 Iron and steel manufacturing;

2.57.6 Leather and leather product industries;

2.57.7 Nonferrous metals manufacturing or foundry industries;

2.57.8 Organic chemical industries;

2.57.9 Plastics and resins manufacturing;

2.57.10 Pulp and paper industry;

2.57.11 Rubber and miscellaneous plastic product industries;

2.57.12 Stone, glass, clay, and concrete product industries;

2.57.13 Textile manufacturing;

2.57.14 Transportation equipment manufacturing; and

2.57.15 Water treatment industries.

2.57.16 This term does not include mining waste, oil and gas waste, or other waste excluded by Utah Code Annotated §19-6-109(19).

2.58 “Industrial waste landfill” ~~shall mean~~ a landfill permitted under Section subchapter 4.1.1(i)(b)(i) of this Regulation that and accepts only non-hazardous industrial waste.

2.59 “Inert waste” ~~shall mean~~ noncombustible, nonhazardous solid waste that retains its physical and chemical structure, under expected conditions of disposal, and including ~~solid waste~~ that exhibits resistance to biological or chemical change.

2.60 “Infectious medical waste” ~~shall mean~~ a solid waste that contains pathogens of sufficient virulence and quantity that exposure of a susceptible host to the waste ~~of a susceptible host~~ could result in an infectious disease. “Infectious medical waste” ~~shall include~~ but is not ~~be~~ limited to, ~~any and all~~ of the following:

2.60.1 Biologic laboratory wastes, including cultures of etiologic agents, that pose a substantial threat to health due to their volume ~~and~~ or virulence;

2.60.2 Pathologic specimens, including human or animal tissues, blood elements, excreta, and secretions that contain etiologic agents, and attendant disposable fomites;

2.60.3 Surgical specimens, including human or animal parts and tissues removed surgically or at autopsy that, in the opinion of the attending physician or veterinarian, contain etiologic agents, or attendant disposable fomites;

- 2.60.4 Equipment, instruments, utensils, and other disposable materials that are likely to transmit etiologic agents from the rooms of humans or the enclosures of animals that have been isolated because of suspected or diagnosed communicable disease;
- 2.60.5 Human dialysis waste materials including arterial lines and dialysate membranes;
- 2.60.6 Carcasses of animals infected with etiologic agents that may present a substantial hazard to public health if improperly managed;
- 2.60.7 Medical sharps that are to be disposed of, regardless of whether or not they have been used for injections or body-fluid extractions;
- 2.60.8 Chemotherapy waste, including all disposable materials that have come in contact with all cytotoxic/ or antineoplastic agents during the preparation, handling, and administration of such agents. Such waste includes, but is not limited to, masks, gloves, gowns, empty intravenous tubing, bags, and vials, and other contaminated materials. The above waste ~~shall~~must first be classified as empty and of such quantity that it is not subject to state or federal waste-management regulations prior to being handled as infectious medical waste; and ~~a~~Any other infectious medical waste that ~~can~~may present a significant danger of infection because it ~~may~~can reasonably be expected to be contaminated with etiologic agents.
- 2.61 “Infectious medical waste generator” ~~Shall mean~~ means any person or entity who~~that~~ generates infectious medical waste, ~~and including~~includes any hospitals; psychiatric hospitals; home health agencies; hospices; skilled nursing facilities; intermediate care facilities; intermediate care facilities for individuals with the intellectually disabilities; residential health care facilities; maternity homes or birthing centers; free standing ambulatory surgical centers; facilities owned or operated by health maintenance organizations; ~~or end-stage renal disease treatment centers that including~~includes a free standing hemodialysis units; ~~“Infectious medical waste generator” shall also include~~ rehabilitation hospitals; alcohol and chemical dependency units; infirmaries; emergency care clinics; employee health clinics; blood banks and plasma centers; biomedical laboratories; ambulance/ and paramedic services; veterinary clinics; and funeral homes; or any other health care facility designated by~~that~~ the Department ~~designates~~. “Infectious medical waste generator” ~~shall~~does not include a business or single-family residence that generates less than 25 pounds of infectious medical waste in a calendar month.
- 2.62 “Infectious medical waste hauler” ~~shall mean~~ any person or entity that ~~hauler who~~ transports at least 50 pounds of infectious medical waste in a calendar month.
- 2.63 “Junk” ~~shall mean~~ old, used, worn, or discarded metal, glass, paper, plastic or other material that has served its original intended purpose and that is not destined to be recycled.

- 2.64“Landfill” ~~shall means a solid waste management facility, which is intended to designed or used for the receive permanent disposal of solid waste or its the residue from its after treatment, for permanent disposal.~~ as defined in Utah Administrative Code R315-301-2, means a solid waste management or disposal facility where solid waste is or has been placed in or on the land and that is not a landspreading facility or surface impoundment.
- 2.65“Landspreading facility” ~~shall means any processing facility, or unit within a processing facility, where solid waste is applied onto or incorporated into the soil surface for the purpose of biodegradation.~~
- 2.66“Leachate” ~~shall as defined in Utah Administrative Code R315-301-2 means any liquid that has passed through, contacted, or emerged from solid waste and that which contains dissolved, suspended, or miscible, or immiscible materials, chemicals, or microbial waste products removed from the solid waste.~~
- 2.67“Leachate recirculation” ~~shall means~~ the recycling or reintroduction of leachate into a landfill.
- 2.68“Lift” ~~shall means~~ the vertical thickness of a compacted layer ~~volume~~ of solid waste and the cover material immediately above it.
- 2.69“Liner” ~~shall means~~ any continuous layer of natural or man-made materials, placed beneath or on the sides of a landfill, cell, or surface impoundment, that is designed to restrict the downward or lateral escape of solid waste or its constituents.
- 2.70“Liquid waste” ~~Shall mean~~ means any solid waste that contains “free liquids” as determined by Method 9095 (Paint Filter Liquids Test), as described in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods Compendium” (EPA pub. no. Publication SW-846, latest edition). “Liquid waste” does not include infectious medical waste or hazardous waste.
- 2.71“Liquid waste hauler” ~~shall means any person or entity that operates a vehicle or trailer equipped with a wastewater tank in or on the vehicle or trailer with the ability and capable of to-hauling~~ sludge, liquid waste, semi-liquid waste, or used oil.
- 2.72“Litter” ~~shall means any quantity of uncontained or improperly disposed quantity of paper, metal, plastic, glass, or other solid waste.~~
- 2.73“Littering” ~~shall means~~ the throwing, discharging, dropping, placing, depositing, or sweeping of litter or other solid waste on any premises or property other than in an approved storage containers or disposal site.
- 2.74“Lower explosive limit (LEL)” ~~shall defined in Utah Administrative Code R315-301-2 means the lowest percentage by volume of a mixture of flammable gases that can could propagate a flame in air at 77° degrees Fahrenheit (25° degrees Celsius) and atmospheric pressure.~~
- 2.75“Mercury-containing L lights” ~~shall means~~ any lighting labeled or known to contain mercury, including, but not limited to: fluorescent tubes, compact fluorescent lights

(CFLs), high-intensity discharge (HID) lamps such as high and low-pressure sodium lamps, mercury vapor lamps, metal halide lamps, ultraviolet (UV) and germicidal lamps and neon lights.

- 2.76“Mobile cleaner” ~~shall mean any person, mobile business, or part of a business that uses mobile equipment to perform or portion of a business that generates liquid waste from carpet cleaning, power washing, or other similar services and that generates liquid waste as a result of those activities.~~ activity and for the purposes of this regulation is considered a “liquid waste hauler”.
- 2.77“Monofill” ~~shall mean a landfill or landfill cell into which~~ that is used for the disposal of only one type of solid waste is placed.
- 2.78“Mulch” ~~shall mean~~ vegetation residues or other suitable materials, as approved by the Department, that are applied to the soil surface to aid in soil stabilization and soil moisture conservation and to create, thus providing microclimatic conditions suitable for germination and growth. This definition is consistent with Utah Administrative Code R645-100-200 (Natural Resources; Oil, Gas, and Mining; Coal).
- 2.79“Mulching” ~~shall mean~~ a method of solid waste management in which ~~whereby the vegetation residues or other suitable materials from~~ of the waste stream are processed into a form ~~state in which the end product or mulch that can be safely handled, stored, or applied to the land without adversely affecting human health or the environment.~~
- 2.80“Municipality” ~~shall mean a county, village, town, city, district, or designated agency thereof, as defined in Utah Code Annotated § 10-1-104(5).~~
- 2.81“Municipal solid waste” ~~shall mean as defined in Utah Administrative Code R315-301-2, means solid waste generated from households, commercial establishments, industries, construction, and demolition activities, but of structures. “Municipal waste” does not include infectious medical waste or hazardous waste. household waste, nonhazardous commercial solid waste, and nonhazardous sludge.~~
- 2.82 “Municipal waste landfill” ~~shall mean~~ a landfill or landfill cell permitted pursuant to subchapter Section 4.1.1(i)(b)(i) of this Regulation to receive solid waste; and that which may also receive commercial waste, construction and demolition waste, or any other wastes approved by the Department.
- 2.83“Open burning” ~~shall mean~~ any fire whose products of combustion are emitted directly into the air without passing through a stack or chimney.
- 2.84“Open dump” ~~shall mean~~ any location where solid waste that has been accepted, stored, or disposed of solid waste without approval or authorization from ~~of the Department.~~
- 2.85“Operator” ~~shall mean~~ any person or entity that ~~who~~ owns, leases, operates or manages a solid waste management facility or a hauler operation.
- 2.86“Owner” ~~shall mean~~ any person or entity that holds ~~who solely, jointly or severally with others; has~~ legal title to, or has possession, charge, care, or control of, a solid waste

management facility, a-hauler operation, or other property. The term includes a with or without accompanying actual possession thereof, or has charge, care, or control of any solid waste management facility or a hauler operation as legal or equitable owner, agent of the owner, lessor, or lessee, agent, or any person acting as a representative of the owner, such as a trustee, executor, or administrator. as an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

2.86 "Partial closure" ~~shall mean~~ the closure of a ~~discrete~~specific portion ~~part~~ of a solid waste management facility in accordance with the closure requirements of this ~~Regulation~~. "Partial closure" may include the closure of a trench, a-unit operation, a cell, or a-pit, while other parts of the ~~same~~ facility ~~continue~~remain in operation or may be ~~placed in operation~~in the future.

2.87 "Permit" ~~shall mean~~ a written ~~form~~ of authorization issued in accordance with this Regulation.

2.88 "Person" ~~shall mean~~ any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State, its departments, institutions, bureaus, or agencies; any municipal corporation; county; city; political subdivision; or any legal entity recognized by law.

2.89 "Processing facility"

~~2.89.1 Shall mean~~ means a fixed or mobile solid waste management facility ~~fixed or mobile~~, where solid waste is stored, classified, consolidated, baled, shredded, sorted, composted, blended, solidified, salvaged, treated, or otherwise handled ~~prior to~~before final disposal.

~~2.89.2~~ "Processing facilities" include, but are not limited to, ~~incinerators; transfer stations; landspreading facilities; composting or mulching facilities; mulching facilities;~~ surface impoundments; used oil storage, reprocessing, or refining facilities; recycling facilities, pyrolysis plants; reclamation facilities; resource recovery facilities; and waste-tire storage facilities.

~~2.89.3~~ "Processing facility" does not include scrap metal processing facilities and automobile dismantling yards.

2.90 "'Putrescible waste'" means solid waste ~~which~~that contains organic matter capable of being decomposed by microorganisms and ~~that, of such a~~because of its character ~~and/or proportion as to be capable of~~ may attracting or ~~providing~~ food for vectors including birds and mammals.

2.91 "Pyrolysis" ~~shall mean~~ the chemical decomposition of material by heat in an oxygen-deficient atmosphere.

2.92 "Pyrolysis plant" ~~shall mean~~ a processing facility where pyrolysis occurs.

- 2.93 "Quality assurance" ~~shall mean~~ the system of standards and procedures used to ensure that a product, procedure, process, or facility meets or exceeds desired-required performance criteria, and together with documentation to verify the results obtained. Quality assurance includes quality control.
- 2.94 "Quality control"
- 2.94.1 ~~Shall mean~~ means the verification and maintenance of the characteristics of an item or service to ensure compliance with contractual and regulatory standard requirements.
- 2.94.2 "Quality control" includes ~~those actions~~ taken before construction, installation, sampling, analysis, cleaning, removal, or other remedial ~~action~~ activity to ensure that the materials ~~chosen~~ and workmanship comply with the Department-approved quality control plan, engineering plans, reports, and specifications.
- 2.95 "Recycling" ~~shall mean~~ extracting valuable materials from the solid-waste stream and transforming or remanufacturing processing them into usable materials that have a demonstrated or potential market.
- 2.95.1 "Recycling" does not include processes that generate a volume of material so large that no market exists for the material.
- 2.95.2 Any part of the waste stream entering a recycling facility and subsequently returning to a waste stream or being otherwise disposed has the resignation of original waste.
- 2.95.3 "Recycling" includes the substitution of non-hazardous solid waste fuels for conventional fuels, such as coal, natural gas, and petroleum products, to generate the heat necessary to manufacture a product.
- 2.95.4 ~~"Recycling" includes the substitution of non-hazardous solid-waste fuels for conventional fuels (such as coal, natural gas, and/or petroleum products) for the purpose of generating the heat necessary to manufacture a product.~~
- 2.95.5 ~~"Recycling" does not include processes that generate such volumes of material that for which no market exists for the material.~~
- 2.96 "Recycling facility" ~~shall mean~~ a processing facility designed and operated to perform recycling methods on one or more solid wastes and return processed materials to market.
- 2.97 "'Regulated Asbestos-Containing Material (RACM)'" means friable asbestos-containing material (ACM); Category I non-friable ACM that has become friable; Category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or Category II non-friable ACM that has a high probability of becoming, or has become, crumbled, pulverized, or reduced to powder by the forces expected to act on the material ~~in the course of~~ during demolition or renovation project operations.

- 2.98 “Remediation” ~~shall means the~~ corrective actions taken in response to the event of a discharge or threatened discharge of a contaminant into the environment.
- 2.99 “Residue” ~~shall means~~ any solid waste or product remaining after processing occurs that cannot be recycled or returned to market by the processing facility. Residue shall be managed or disposed of at a landfill or other processing facility permitted to accept that waste.
- 2.100 “Resource recovery” ~~shall means~~ the processing of solid waste to produce materials or energy that ~~can~~may be used or reused in manufacturing, agriculture, power or heat production, or any other processes.
- 2.101 “Resource recovery facility” ~~shall means~~ a processing facility designed and operated to separate or process solid or liquid waste into usable materials, including; but not limited to; fuel, heat, or other energy.
- 2.102 “Run-off” ~~shall means~~ any water, leachate, or other liquid that drains over land from any part of a solid waste management facility.
- 2.103 “Run-on” means any rainwater, leachate, or other liquid that drains over land onto the active area of a facility.
- 2.104 “Salvaging” ~~shall means~~ the controlled removal or handling of junk or other waste material for processing, recycling, or other beneficial use~~utilization~~.
- 2.105 “Scavenge” ~~shall means~~ the unauthorized removal of solid waste from a solid waste management facility.
- 2.106 “Scrap metal processing facility” ~~shall means~~ a lot, ~~or portion thereof~~, tract of land, structure, or business used, maintained, or operated for the processing or resale of iron, steel, or nonferrous metals, and whose principal product is scrap iron, steel, or nonferrous metal for sale, reuse, melting, smelting, or rolling.
- 2.107 “Seismic zone” ~~shall means~~ an area with a 10% probability that the maximum horizontal acceleration in hard rock, expressed as a percentage of the earth’s gravitational pull (g), will exceed 0.10g in 250 years.
- 2.108 “Sewage” ~~shall means~~ human or animal wastes carried by water or other liquid from a dwelling, business ~~building~~, institution, industrial establishment, or agricultural, recreational, or other source, location including; but not limited to; wastes from sewer systems, septic tanks, privy vaults, and cesspools, ~~and including~~ any groundwater, surface water, ~~and or~~ storm water that may be mixed with these wastes.
- 2.109 “Sharps” ~~shall as defined in Utah Administrative Code R315-301-2,~~ means any discarded or contaminated article or instrument from a health facility that may cause puncture or cuts. ~~Such~~This waste may include, ~~but is not limited to~~, needles, syringes, blades, needles with attached tubing, pipettes, pasteurs, broken glass, and blood vials. ~~intravenous tubing with needles attached, glassware, lancets, and scalpel blades.~~

2.110 “Sludge” ~~Shall mean~~ means any solid, semi-solid, or liquid waste, including grit and screenings generated from:

2.110.1a ~~Municipal, commercial, or industrial wastewater treatment plants~~ process;

2.110.2a ~~Waste water supply treatment plants;~~ water supply treatment plant, or air-pollution control facility;

2.110.3 Cear wash facilities; or

2.110.4 Any other waste having similar characteristics ~~and effect.~~

~~2.110.5 “Sludge” does not include industrial discharges that are point sources subject to permits under the Utah Water Quality rules, Utah Administrative Code R317.~~

2.111 “Solid waste”

~~2.111.1 Shall mean~~ Means garbage, trash, junk, asbestos or asbestos-containing material, hazardous waste, infectious medical waste, industrial waste, inert waste, construction and demolition waste, electronic waste, dead animals, sludge, liquid or semi-liquid waste, leachate, used oil, other spent, or discarded materials, or materials stored or accumulated for the purpose of discarding; materials that have served their original intended purpose; or waste material resulting from industrial manufacturing, mining, commercial, agricultural, household, institutional, recreational, or other activities.

~~2.111.2~~ “Solid waste” does not include solid or dissolved materials in domestic sewage, ~~or in~~ irrigation return flows, or discharges for which a permit is required under state or federal regulations.

2.112 “Solid waste disturbance” ~~shall means~~ any act or omission that results in causes solid waste to endangering or injuring the health of any person or the environment.

2.113 “Solid waste management facility” ~~shall means~~ any place, site, or facility permitted to engage in solid-waste collection, receiving, transfer, storage, recycling, treatment, or disposal, including, but not limited to, processing facilities and landfills. Scrap-metal processing facilities are not solid-waste management facilities for the purposes of this ~~Regulation.~~

2.114 “Special waste” means discarded solid waste that may require special handling or other solid waste that may pose a threat to public safety, human health, or the environment.

2.114.1 Special waste may include:

(i) Ash;

(ii) Automobile bodies;

(iii) Furniture and appliances;

(iv) Infectious waste;

(v) Waste tires;

(vi) Dead animals;

(vii) Asbestos;

(viii) Waste exempt from the hazardous waste rules under Utah Administrative Code R315-261-4;

(ix) Very small quantity generator hazardous waste as defined by Utah Administrative Code R315-260-10

(x) Waste containing PCBs;

(xi) Petroleum contaminated soils;

(xii) Waste asphalt; and

(xiii) Sludge.

2.114.2 Special waste shall be handled and disposed according to the requirements of Utah Administrative Code R315-315.

2.114.3 ~~Shall mean means solid wastes that is not considered hazardous but that may require special or complex or special management or handling due because of its to their physical, biological, or chemical characteristics, or because of its high moisture content or bulk.~~

2.114.4 ~~“Special waste” includes, but is not limited to, asbestos containing material, infectious medical waste, dead animals, ash, household hazardous waste, and waste tires.~~

2.115 -“Surface impoundment”

2.115.1 ~~Shall mean means~~ a processing facility, or part of one, that is a natural topographical depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) and designed to hold solid waste in semi-solid or liquid form and ~~which~~ is not an injection well.

2.115.2 “Surface impoundment” includes, but is not limited to, holding, storage, settling, blending, or aeration pits, ponds, and lagoons.

- 2.116 “Surface water” ~~shall means~~ lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, inlets, canals, and all other bodies of surface water, natural or artificial, fresh or salt, public or private.
- 2.117 “Tank” ~~shall means~~ a stationary device designed to contain an accumulation of solid waste, liquid, or leachate, and constructed primarily of non-earthen materials such as wood, concrete, steel, or plastic, that provides structural support.
- 2.118 “Tire” ~~shall means~~ a pneumatic rubber covering designed to encircle the wheel of a vehicle ~~in which a person or property is or may be used to transported or drawn a person or property upon any surface. This definition Excludesd from this definition are~~ tires from devices moved exclusively by human power.
- 2.119 “Tire shreds” ~~shall means~~ a tire or waste tire that has been reduced in size through mechanical or other Department-approved means ~~where so that~~ the greatest dimension of at least ~~minimum of~~ 60-%, by weight, of the pieces ~~is are~~ no more than 6 six inches, and the greatest dimension of any piece is no more than 12 inches.
- 2.120 “Transfer station” ~~shall means~~ a processing facility where solid waste is transferred for transportation to another solid-waste management facility for treatment or disposal.
- 2.121 “Treatment” ~~shall means~~ any method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid waste or part of it; to recover energy or materials from it; or to render it safer to transport, store, or dispose of; or to make it amenable for recovery, or storage; or to reduce its volume.
- 2.122 “Unauthorized solid waste” ~~shall means~~ solid waste that a hauler or a solid-waste management facility is not permitted to accept for transport, processing, or disposal.
- 2.123 “Universal waste” ~~shall subject to the requirement of Utah Administrative Code R315-261-9, and regulated under R315-273, means~~ batteries, pesticides, mercury-containing equipment, and lamps, aerosol cans, and antifreeze. ~~which are hazardous wastes, that are subject to the requirements of, and as defined in, Utah Administrative Code 315-16261-9.~~
- 2.124 “Unsaturated zone” ~~shall means~~ a hydrologic zone in which the interstices between particles of geologic material, or all of the joints, fractures, or solution channels in a consolidated rock unit, are not filled with water.
- 2.125 “Upgradient well” ~~shall means~~ a well installed at a point having a higher in hydraulic potential ~~relative to than~~ other points at a solid-waste management facility.
- 2.126 “Used oil” ~~shall as defined in 40 CFR 279.1, means~~ any oil refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities ~~as defined in 40 CFR 279.1.~~
- 2.127 “Vector”

~~2.127.1 Shall as defined in Utah Administrative Code R315-301-2, means a living animal including insect or other arthropod that is capable of transmitting an infectious disease from one organism to another. any agent capable of transmitting a pathogen from one individual or organism to another.~~

~~2.127.2 “Vectors” including, but are not limited to: insects, rodents, and other vermin.~~

2.128 “Vehicle” shall mean any motor vehicle, trailer, water vessel, railroad car, or airplane.

2.129 “Waste hauler” shall mean a hauler who collects, hauls, or transports garbage, trash, junk, asbestos, construction or demolition waste, or dead animals. ~~The term “Waste hauler”~~ does not include a businesses that collects or transports solid waste only as an incidental part of their primary business.

2.130 “Waste tire” shall mean any tire that has been discarded or has ceased to serve the purpose for which it was ~~initially~~originally manufactured or intended due to ~~because of factors such as wear, damage, or imperfections.~~

2.131 ~~“Waste tire hauler transporter” shall mean any person who collects and hauls waste tires.~~ as defined in Utah Code Annotated §19-6-803, means a person engaged in picking up or transporting, at one time, more than 10 whole waste tires or the equivalent amount of material derived from waste tires generated in Utah for the purpose of storage, processing, or disposal and includes:

2.131.1 A person engaged in the business of collecting, hauling, or transporting waste tires or who performs these functions for another person, except as provided in Section 2.131.2.

2.131.2 “Waste tire transporter” does not include:

- (i) A person transporting waste tires generated solely by:
 - a. That person’s personal vehicles;
 - b. A commercial vehicle fleet owner or operated by that person or that person’s employer;
 - c. Vehicles sold, leased, or purchased by a motor vehicle dealership owner or operated by that person or that person’s employer; or
 - d. A retail tire business owner or operated by that person or that person’s employer;
- (ii) A solid waste collector operating under a license issued by a unit of local government as defined in Utah Code §63M-5-103, or a local health department;
- (iii) A recycler of waste tires;

- (iv) A person transporting tires by rail as a common carrier subject to federal regulation; or
- (v) A person transporting processed or chipped tires.

2.132 “Waste tire storage facility” as defined in Utah Administrative Code R315-301-2, means any site where more than 1,000 waste tires or the byproduct of 1,000 tires or waste tires are stored on the ground.

2.132.1 A waste-tire storage facility includes:

- (i) whole waste tires used as a fence;
- (ii) whole waste tires used as a windbreak; and
- (iii) waste-tire generators where more than 1,000 waste tires are held.

2.132.2 A waste-tire storage facility does not include:

- (i) a site where waste tires are stored exclusively in buildings or in trailers;
- (ii) ~~if whole waste tires are stored for 5 or fewer days, the site of a registered tire recycler or a processor for a registered tire recycler,~~ if whole waste tires are stored for 5 or fewer days;
- (iii) a permitted solid waste disposal facility that stores whole tires in piles for not longer than one year;
- (iv) a staging area where tires are temporarily placed on the ground, not stored, to accommodate activities such as sorting, assembling, or loading or unloading of trucks.
- (v) a site where waste tires or material derived from waste tires are stored for 5 or fewer days and are used for ballast to maintain covers on agricultural materials or ~~to maintain covers at a construction sites,~~ or are to be recycled or applied to a beneficial use.

2.133 “Wellhead protection area” ~~shall means~~ the surface and subsurface area surrounding a well or well-field that supplies a private or public water system through which contaminants could pass and eventually reach the water well or well-field.

2.134 “Wetlands”

~~2.134.1 Shall means~~ areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

~~2.134.2~~ “Wetlands” ~~shall generally include but not be limited to~~ swamps, marshes, bogs, and similar areas.

2.135 “Working face” ~~shall mean~~ the portion of a landfill where solid waste is discharged or placed and compacted before placement of cover material.

3. GENERAL PROVISIONS

3.1 Jurisdiction of the Department.

3.1.1 This Regulation is promulgated by the Board as authorized by Utah Code ~~Ann.~~ § 26A-1-121(1) and Salt Lake County Code of Ordinances §-9.04.

3.1.2 The Department is empowered to enforce this Regulation in all incorporated and unincorporated areas served by the Department as authorized by Utah Code ~~Ann.~~ § 26A-1-114(1)(a) and Salt Lake County Code of Ordinances 9.04.

3.2 Except as otherwise provided ~~for~~, it shall be unlawful for any person not to comply with any regulation promulgated by the Department, unless granted an express variance by the Board.

3.3 Compliance with this Regulation does not constitute a defense for any person charged with an environmental crime or violation of any other local, state, or federal law.

3.4 Legal action taken by the Department under this Regulation does not preclude prosecution for an environmental crime that may have been committed or a violation of any other local, state, or federal law.

3.5 Except as provided below, Nothing in this Regulation affects or modifies limits in any way the obligations or liability imposed by another Department of any person under any other regulation, or provision thereof issued by the Department, any a Salt Lake County ordinance, issued by Salt Lake County or anyan ordinance of a municipality located within Salt Lake County, or applicable any-state or federally-issued law, including common law. However, Departmental regulations supersede other-existing local and county standards, regulations, and ordinances pertaining to similar subject matter that are inconsistent, as provided in Utah Code § 26A-1-121(1)(b)(i).

3.6 Verbal or contractual obligations shall not diminish or remove the owner’s or other responsible person’s obligation to comply with this Regulation.

3.7 **Severance.** If any section, sentence, clause, or phrase of this Regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Regulation.

3.8 **Prohibited Acts in General:** Except as allowed pursuant to this Regulation, it shall be unlawful for any person:

- 3.8.1 To dispose of more than ~~four~~¹² tires at one time. No person shall dispose of waste tires except at a solid waste management facility permitted to accept waste tires.;
- 3.8.2 To salvage without approval from the Department or to scavenge at a solid waste management facility;
- 3.8.3 To dispose of solid waste anywhere other than a facility permitted, as applicable, by the Department, the State of Utah, ~~and/or the United States of America~~, if applicable, to accept that type of waste.;
- 3.8.4 To accept solid waste for processing or disposal except at a solid waste management facility that is permitted by the Department, the State of Utah, and/or the United States of America, if applicable, to accept that type of waste.;
- 3.8.5 To create, ~~to~~ or operate an open dump, or to allow to exist an open dump to exist.;
- 3.8.6 To create, cause, or allow any condition that promotes insect or rodent propagation, conditions for facilitates disease transmission of disease, any is unsanitary condition, or otherwise constitutes any other public health or public safety hazard.;
- 3.8.7 To accept, process, or ~~to~~ dispose of hot or smoldering waste or any waste that may pose a hazard to solid waste haulers, their vehicles, or ~~to~~ solid waste management facility employees.;
- 3.8.8 To feed domestic animals at a solid waste management facility.;
- 3.8.9 To “open burn” solid waste without ~~the approval of the Department~~ approval ~~and or in violation of Utah Administrative Code R307-202, Emission Standards: General Burning~~.;
- 3.8.10 To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, incinerate, or dispose of ~~any~~ solid waste in ~~such a way~~ a manner that creates a public health or safety hazard or a nuisance is created.;
- 3.8.11 To fail to keep required records ~~or to falsify records on~~ of the types or amounts of solid waste transported, treated, stored, or disposed of, including and the name and location of the solid waste management facility ~~or to falsify any such record~~.;
- 3.8.12 To cause a discharge of solid waste or contaminants into any water or waterways within Salt Lake County, including wetlands, that in violation of any applicable requirements of the Utah Water Quality Act, Utah Code Ann. § 19-5-101 et seq.; including, but not limited to, the Utah Pollutant Discharge Elimination System (UPDES); the Salt Lake County Health Department Wastewater Regulation, #13; or the any area-wide or state-wide water quality management plan that has been approved under Section 208 of the Federal

Clean Water Act, as amended.;

3.8.13 To construct ~~any~~ structure on any active or closed landfill or to use ~~any~~ property that is or was used as a landfill for any purpose without first obtaining written ~~approval from the Department approval.;~~

3.9 General Solid Waste Management Facility Siting Standards. A new solid waste management facility shall not be located ~~in on, or~~ and an existing solid waste management facility shall not be expanded into, any of the following areas within:

3.9.1 An area ~~which is likely to be impacted~~ affected by a landslide or mudflow unless it ~~has been~~ is demonstrated to the Department that engineering measures have been incorporated into the landfill facility design to ensure the stability of the site and ~~its constituent~~ the wastes it contains.

3.9.2 A wetland, unless it ~~has been~~ is demonstrated to the Department that:

- (i) No alternative exists that would have a ~~lesser~~ environmental impact;
- (ii) The ~~site~~ facility will not cause or contribute to ~~any~~ a violation of any federal, state, or local regulations; or ~~any~~ water quality standards;
- (iii) The ~~site~~ facility will not jeopardize the continued existence of any endangered or threatened species; and
- (iv) ~~According to~~ The appropriate governmental agencies have determined that, the ~~site~~ facility will not result in significant destruction or degradation of wetlands.

3.9.3 An area within 200 feet of a Holocene fault area, unless it is ~~has been~~ demonstrated to the Department that ~~no alternative~~ a setback of less than 200 feet will exist ~~prevent damage to the structural integrity of the facility and protect human health and the environment or that no displacement within the Holocene Epoch has occurred.~~

3.9.4 ~~Any~~ seismic zone, unless it ~~has been~~ is demonstrated to the Department that engineering measures have been incorporated into the facility design ~~that will~~ to ensure containment.

3.9.5 A one-hundred year floodplain, unless engineering measures have been incorporated into the facility design ~~of the landfill that will ensure~~ to ~~diversion of flood-waters from the disposal site.~~

3.9.6 An area within 10,000 feet of an airport runway used by turbojet aircraft or within 5,000 feet of an airport runway used solely by ~~only~~ piston-type aircraft, unless it is ~~satisfactorily~~ demonstrated to the Department that the ~~site~~ facility will not ~~creates~~ a ~~no~~ bird hazard to the aircraft.

- 3.9.7 Public land designated as a watershed area for municipal drinking water purposes or as another drinking water source protection zones.
- 3.9.8 An area within 1,500 feet of a well-head or spring protection area, unless it can be satisfactorily demonstrated to the Department that the site is not within outside the zone of contribution of the well, well field, or spring.
- 3.9.9 Any dam failure area.
- 3.9.10 An area within One-quarter fourth-mile of an existing incompatible permanent dwellings or structures including residential areas, schools, places of worship, hospitals, and historic structures, or other incompatible permanent dwelling or structure, unless it can be satisfactorily demonstrated to the Department that the facility will not negatively impact adversely affect public health.
- 3.9.11 Any other areas in which the construction or expansion of a solid waste management facility is designated under state or federal regulations as prohibited by state or federal law or regulation areas for construction or expansion of a solid waste management facility.

4. SOLID WASTE PROVISIONS

4.1 Solid Waste Management Facilities.

4.1.1 Permit and Approval Requirements and Application Process.

- (i) **Permits and Approval.** No person shall construct or operate a solid waste management facility without first obtaining a valid permit from issued by the Department in accordance with this section to the requirements set out in section 4.1.1 of this Regulation. A solid waste management facility shall maintain a valid permit during the throughout its construction, active life, and closure period of the facility. Any Modification to an existing solid waste management facility shall requires Department approval. All Ppermits and/or approval orders required by the Utah Department of Environmental Quality or any other regulatory agencyies shall be obtained beforeprior to the facility owner receiving a Department-issued a permit for the facility.

a. Processing Facility Permits.

- i. **Processing Facility Permit for Municipal or Industrial Waste.** A Processing Facility Permit for Municipal or Industrial Waste is required for a processing facility whichthat accepts municipal waste or non-hazardous industrial waste and transfers the ~~solid~~ waste for disposal.
- ii. **Construction and Demolition Processing Facility Permit.** A ~~e~~Construction and ~~d~~Demolition ~~p~~Processing ~~f~~Facility ~~p~~Permit is required for a processing facility that accepts only construction and

demolition waste and transfers the waste for disposal.

- iii. **Liquid Waste Processing Facility Permit.** A Liquid Waste Processing Facility Permit is required for a processing facility that blends or mixes liquid or semi-liquid waste, ~~or a processing facility that transfers liquid waste to befor~~ or disposed of at a solid waste management facility located outside Salt Lake County.
 - 1. ~~A p~~Processing facilities that ~~processes~~ used oil and returns it to market shall obtain ~~any~~ the required ~~site~~ permit from the Utah Division of Waste Management and Radiation Control.
 - iv. **Waste Tire Storage Facility Permit.** A Waste Tire Storage Facility Permit is required ~~to operate a storage~~ for a facility for that stores waste tires.
 - v. **Infectious Medical Waste Facility Permit for Storage or Transfer.** An Infectious Medical Waste Facility Permit for Storage or Transfer is required for a processing facility that stores or transfers infectious medical waste.
 - vi. **Infectious Medical Waste Treatment Facility Permit.** An Infectious Medical Waste Treatment Facility Permit is required for a processing facility that accepts infectious medical waste from off-site generators for incineration or other treatment.
 - vii. **Recycling Facility Permit.** ~~Any other processing facility not mentioned above is required to obtain a Recycling Facility Permit~~ is required for a processing facility designed and operated to perform recycling methods on one or more solid wastes and return processed materials to market.
- b. **Landfill Permits:**
- i. **Landfill Permit for Municipal or Industrial Waste.** A Landfill Permit for Municipal or Industrial Waste is required for a landfill ~~to that~~ accepts municipal waste or non-hazardous industrial waste.
 - ii. **Construction and Demolition Landfill Permit.** A Construction and Demolition Landfill Permit is required for a landfill ~~to that~~ accepts only construction and demolition waste.
 - iii. **Monofill Permit.** A Monofill ~~p~~ermit is required for a monofill that ~~receives~~ accepts solid waste generated by a person other than the monofill's owner or operator.
 - iv. **Private Landfill Permit.** A Private Landfill Permit is required for a landfill ~~which~~ that accepts only solid waste generated ~~only~~ by the

facility's owner or operator.

- (ii) **Exemptions.** The following facilities, ~~or persons, activities, and waste streams~~ are exempt from the permit, approval and ~~bond~~ financial assurance requirements of ~~section 4.1.1 of this section~~ Regulation and the fee requirements ~~in~~ of Section 5 of this Regulation:
- a. Solid waste management facilities permitted by a state or federal agency~~ies~~ to accept hazardous waste, except ~~for solid waste management facilities that contain any portion or cell of the~~ such a facility or cell ~~that~~ which receives exclusively non-hazardous solid waste.
 - b. Solid waste ~~generated from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore, or drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy regulated by a state or federal agencyies. that consists of:~~
 - i. Waste generated from the extraction, benefaction, or process of ores or minerals, including phosphate rock and overburden from uranium ore mining; or
 - ii. Drilling fluids, produced waters, or other waste associated with the exportation, development, or production of crude oil, natural gas, or geothermal energy.
 - c. Asphalt ~~and/or~~ concrete recycling facilities that operate ~~on~~ at a mine or quarry sites, provided that they facilities maintain and provide proof of:
 - i. A permit and financial assurance for reclamation of the property after closure, as required by the Utah Division of Oil, Gas, and Mining, ~~or an~~ equivalent financial assurance with ~~required by~~ another local, State, or Federal regulatory agency;
 - ii. A Utah Division of Air Quality dust control approval order or permit;
 - iii. A Utah Division of Water Quality Pollutant Discharge and Elimination System (UPDES) permit and Storm Water Pollution Prevention Plan (SWPPP), if required by UDWQ;
 - iv. Mine Safety and Health Administration safety and spill response measures;

- v. A Plan of Operation approved by the Utah Division of Waste Management and Radiation Control approved Plan of Operation; and;
 - vi. Implementation of a “rejected load plan” with instructions for the facility owner/ or operator to provide proper disposal guidance to patrons who bring unapproved material(s) to the facility.
- d. Publicly-owned wastewater treatment facilities permitted by the State of Utah or the ~~F~~ederal ~~G~~overnment.
- e. Temporary containers used to collect newspapers, aluminum, or other similar collection containers materials that are completely enclosed, except for a deposit opening, provided that each if the size of the container does not exceed thirty30 cubic yards and the deposited materials ~~are is removed from the container on a regularly basis.~~
- f. Recycling facilities that recover pre-separated recyclable materials provided that:
- i. The facility generates less than one ton of residue per day;
 - ii. The facility does not ~~create~~generate hazardous or putrescible waste;
 - iii. At least 50% of the material present at the facility at the beginning of a calendar year is recycled before the end of that year;
 - iv. All materials ~~on-site are deposited for recycling are~~ recycled within two years ~~of being deposited for recycling;~~
 - v. The facility is designed and operated to ~~properly~~ manage solid waste ~~so as not to without~~ creating litter or a solid waste disturbance; and
 - vi. The facility separates, handles, contains, discharges, and disposes of all hazardous and universal waste in accordance with applicable state and ~~F~~ederal laws, rules, and guidelines.
- g. Licensed automobile dismantling yards and scrap metal processors.
- h. Clean fill used for grading, provided the material is ~~not~~ uncontaminated and is used in compliance with all applicable local, state, and federal requirementsregulations.
- i. Riverbank and stream bank stabilization operations, provided that:
- i. Only clean fill is used; and

- ii. The stabilization is approved or permitted by all applicable county, state, and ~~or~~ federal agencies.
- j. Crematoriums ~~or~~ and cemeteries if operated in accordance with industry standards.
- k. Incinerators, steam sterilizers, or autoclaves ~~that are located on~~ at the site of an infectious medical waste generator and which that process only infectious medical waste generated on site.
- l. Generators of waste tires, if the ~~waste-tires are generated as a result of through the sale of selling new tires, or retreading operations, or generated as an incidental part of their generator's business and fewer if less than 1,000 waste tires are stored at the facility or premises at any given time.~~
- m. Non-hazardous Agricultural waste if the solid waste is non-hazardous and is generated and disposed of on the premises, provided that if the waste is managed was generated in accordance with this Rregulation and is not disposed of within any prohibited areas listed identified in Ssection 3.9.

(iii) **Permit Application Process.**

- a. **Application Due Dates.** Permit applicants shall submit all documentation and fees required under 4.1.1(iii) of this Rregulation by this subsection within the following time periods:
 - i. For a permit to construct a new solid waste management facility, at least 90 calendar days prior to the start of before construction begins.
 - ii. For a permit to operate a new or existing solid waste management facility, at least 30 calendar days prior to commencement of before operation begins.
- b. **Fees.** ~~To be issued Before~~ Before a Ppermit required under section 4.1.1 of this Rregulation this section may be issued, ~~an~~ the applicant shall ~~pay~~ remit the applicable relevant application fee provided specified in Ssection 5.2.1 of this Rregulation.
- c. **Zoning Approval.** ~~An permit applicant for a permit~~ shall submit to the Department proof of planning or zoning approval for ~~at the~~ the facility from the planning or zoning agency authority having jurisdiction over the facility's location.
- d. **Plans and Specifications.** The following plans and specifications shall be submitted to the Department for review and permit approval:-

- i. **Processing Facilities.** ~~If the~~An applicant is ~~applying~~ for a processing facility permit ~~as set forth in~~under 4.1.1(i)(a), ~~the applicant shall submit a R~~report pursuant to ~~S~~section 4.1.2(i) and a Closure and Post Closure Plan pursuant to ~~S~~section 4.1.2(ii).
 - ii. **Landfills.** ~~If the~~An applicant is ~~applying~~ for a landfill permit ~~as set forth in chapter~~under 4.1.1(i)(b), ~~the applicant shall submit a R~~report pursuant to ~~S~~section 4.1.3(i) and a Closure and Post Closure Plan pursuant to ~~S~~section 4.1.3(ii).
- e. **Public Notice.** ~~Before a~~For permit ~~may be issued~~ancee, the applicant shall submit proof that ~~it has published~~ notice of the proposed solid waste management facility was published in accordance with this subsection in a newspaper of general circulation as specified in this chapter. ~~The n~~Notice shall be ~~placed~~published in a newspaper of general circulation in the State of Utah for at least ~~3~~three consecutive days. ~~The~~and ~~notice~~ shall include:
- i. The address of the proposed solid waste management facility;
 - ii. A statement t~~That an~~ application has been submitted~~was made with~~ to the Department to construct and/or operate a solid waste management facility at that location;
 - iii. The date the application was submitted to~~made with~~ the Department.
 - iv. A reasonably specific description of the activities proposed ~~to take place~~ at the facility;
 - v. A statement that to the effect the facility's plans and specifications may be reviewed by the public at the Salt Lake County Health Department's Division of Environmental Health, located at 788 E. Woodoak Lane in Murray, Utah, 84107; and
 - vi. A statement ~~to the effect~~ that any member of the public may request a hearing on the matter by contacting the Salt Lake County Health Department within 10 days ~~of the last~~after the final date of published notice publication. A hearing will be held at the Director's discretion.
- f. **Public Hearings.** Before issuing a permit ~~issuancee~~, the Department may require the applicant to hold or participate in one or more public hearing(s). The Department may call a public hearing ~~may be called for by the Department on its own initiative or in response to a request from by any~~ member of the public, with the consent of subject to the Director's approval.

- g. **~~Bond and Financial Assurances.~~** ~~For~~Before the Department issues a permit ~~issuance~~to construct or to operate a solid waste management facility, ~~an~~the applicant shall ~~obtain~~acquire and file with the Department an approved financial assurance ~~document~~instrument that in accordance with the requirements set forth in meets the requirements of Ssection 4.1.1(iv) of this Regulation. ~~If deemed necessary,~~ The Department may require ~~an applicant to submit~~ additional financial assurances if it determines that additional assurance is necessary. An applicant seeking permits for ~~who desires to construct or jointly operate~~ both a landfill and a processing facility located on the same property or on contiguous properties may ~~construct or operate the facilities under a~~ satisfy the single bond or financial assurance requirement with a single instrument covering both facilities and is ~~need not required to submit duplicate information in applying for more than one~~ with the permit applications.
- (iv) **Application for Department Approval.** An applications for Department approval shall be ~~submitted~~made at least 30 calendar days before beginning~~prior to the start of construction or making any modification of to the facility's design, operation, or closure activities~~.
- (v) **~~Bond and Financial Assurance Requirements.~~**
- a. A facility owner or operator shall obtain the Bonds and financial assurances required pursuant to ~~under~~ sSections 4.1.1(iii)-(g) and 4.1.1(v) shall be obtained by a facility owner or operator in order to ensure that the facility is operated ~~ion, maintained~~enance, closure and managed after post-closure of the solid waste management facility will be in accordance with this Regulation and the facility's Department-approved plans and specifications.
- b. ~~Bonds and~~ Financial assurances shall be accompanied by and filed with a Department-approved ~~Bond~~ financial assurance aAgreement ~~F~~orm ~~that has been signed and notarized by a company principal or other legal designee~~authorized representative, a representative of the bonding financial assurance agency representativeprovider, and designated county officials.
- c. ~~Bond and~~ Financial assurance cost estimates shall be based on:
- i. ~~A third party~~certified environmental engineer performing closure and post-closure care at any time during the active life of the solid waste management facility. ~~and~~ The cost estimate shall be adjusted in January of each year by the percentage, if any, by which the Consumer Price Index for the preceding calendar year differs from the Consumer Price Index annually for inflation until final closure; and

- ii. ~~The disposal costs of disposing of~~ the maximum amount of solid waste that ~~will~~may be stored at the facility at any ~~given~~one time.
- d. ~~The cost estimate of a bond or other~~ financial assurance cost estimate shall include, but is not ~~be~~ limited to:
 - i. The cost of obtaining, ~~moving~~transporting, and placing a final cover over ~~the~~a landfill or, for a processing facility, the cost of ~~moving~~, transporting, ~~or treating~~, and disposing of the solid waste;
 - ii. The cost of vegetating the landfill, or the cost of removing the solid waste from the processing facility and leaving the property ~~in a clean condition~~ and free from contamination;
 - iii. The cost of installing and maintaining ~~any required~~ groundwater-monitoring wells, gas-monitoring ~~devices~~, ~~or any and other~~ monitoring required devices, and ~~the costs of conducting~~ sampling and analysis for the ~~time interval, including closure and post-closure periods; required in section by Sections 4.1.4(iii) and chapter 4.1.5(iii)-g. and the facility's as approved in the plans and specifications;~~
 - iv. The cost of maintaining the integrity of the landfill's final cover ~~of the landfill for~~during the closure period; and
 - v. The cost of corrective action for known releases and any other closure and post-closure requirements.
- e. **Exemptions.** ~~A s~~Solid waste management facilities whose debts and liabilities are ~~the debts and liabilities obligations~~ of a municipal, state, or federal government ~~shall be~~is exempt from the ~~bond~~ financial assurance requirements of this Regulation.
- (vi) **Department Review.** ~~The Department shall i~~ssuance of a permit ~~shall depend only if it upon a determination by the Department that the plans, specifications, and other information required by under this R~~egulation comply with ~~the requirements of this R~~egulation and ~~with~~all applicable state and federal laws, rules, and regulations.
- (vii) An applicant seeking who jointly to operates both a ~~disposal facility~~landfill and a processing facility located on the same property or on a contiguous properties may obtain~~operate the facilities under~~ a single permit and provide a single~~bond~~ financial assurance instrument covering both facilities. ~~If such a provision is made, t~~The Department shall adjust the permit fee and approve a ~~bond~~ financial assurance amount sufficient to ~~that will ensure the requirements of this compliance with this R~~egulation ~~are met. In no case shall~~Neither the permit fee nor the required and bond financial assurance amount shall exceed the total amount if the that would

be required if separate applications were submitted for the landfill and processing facility were made separately.

4.1.2 Processing Facilities Plans and Specifications.

- (i) **Report Requirements.** ~~An a~~Applicants for a permit to construct or operate a processing facility shall submit to the Department report the information listed in required by Ssections 4.1.2-(i)(a)- through (z).- of this Regulation to the Department upon application for a permit to construct or operate a processing facility. The Department may require someone or more of the following items to be prepared by a Utah-licensed ~~P~~professional ~~E~~ngineer.
- a. Contact information for the processing facility's owner and operator of the processing facility as well as and for the managers on duty and in charge of actual responsible for the facility's operation and maintenance of the processing facility. ~~The c~~Contact information shall include names, email addresses, mailing addresses, and telephone numbers.
 - b. Evidence of ~~an~~ ownership or a leasehold interest in the proposed site, including a legal description of the parcel boundaries that identifies the total area of the property's total area.
 - c. One or more plat maps or aerial photographs ~~that~~ accurately showing:
 - i. The exact location and boundaries of the proposed facility, ~~its specific boundaries,~~ and all homes, businesses, and structures within 1/4 one-quarter mile of the ~~site~~ facility boundaries;
 - ii. Access rRoads ~~access~~ to the facility, internal roads, and equipment flow patterns;
 - iii. The location of fencing or other means of limiting access;
 - iv. The location of shelter and sanitary facilities for operating personnel;
 - v. The locations where salvaged materials will be ~~kept~~ stored;
 - vi. The location of existing and proposed utilities servicing the processing facility; and
 - vii. The property's Any general and irregular topography and any irregular topographic features on the property.
 - d. Detailed drawings and specifications of all fencing, buildings, structures, equipment, storage areas, and other facility plans.

- e. The proposed method of ~~acceptably~~ screening the facility from the surrounding area.
- f. The present and anticipated future population and geographic area to be served by the facility.
- g. A description of the anticipated present and future types, moisture content, quantities, and sources of solid waste to be processed at the facility. ~~Theis~~ description shall ~~includes~~ separately identify a breakdown of those sources of solid waste originating within Salt Lake County, those outside Salt Lake County elsewhere in Utah, and those outside the State of Utah.
- h. The ~~processing facility's~~ proposed methods of solid waste volume reduction, treatment, or processing to be undertaken at the facility, including, but not limited to, incineration, composting, compaction, compression, baling, shredding, grinding, tamping, separating, classifying, drying, ~~and/or~~ blending.
- i. The anticipated types of vehicles that will ~~used to~~ transport solid waste into and out of the processing facility and the procedures for loading and unloading those vehicles.
- j. The estimated frequency of solid waste ~~vehicle~~ deliveries of ~~solid waste~~ to the processing facility and the ~~frequency of~~ removal of residue and salvaged or composted materials from the facility.
- k. The names and locations of the solid waste management facilities, ~~or other businesses, or customers to which~~ where solid waste processed solid waste and at the facility and any residue will be transported ~~hauled.~~
- l. ~~The d~~Design criteria, rated capacities, expected performance data, and noise emission data ~~offor~~ the facility and its processing equipment.
- m. The primary and secondary types and sources of fuel to be used by the processing facility.
- n. The anticipated daily quantity and characteristics of residue, ~~and the disposal location for a~~ each residue, and the method by which each residue will be managed and disposed of. Residue includes, ing but is not limited to, fly and, and bottom ash, by-products resulting from air-pollution-control devices, and quench water, and the method in which each residue will be managed and disposed;
- o. A description of ~~Identify and explain~~ the appurtenances and procedures that will be used ~~intended to:~~

- i. ~~Undertake proposed~~Perform daily cleanup; ~~procedures.~~
 - ii. Handle heavy or bulky waste, special waste, or other waste ~~that may require~~special handling;
 - iii. Store solid waste beyond the end of the working day;
 - iv. Control or prevent dust, odors, fire, explosions, noise, and wind-blown materials; and.
 - v. ~~Manage~~Handle solid waste and make necessary repairs if there is~~during~~ a major breakdown, including a power failure, equipment failure, or other failure that inhibits~~ing operations of the facility.~~
- p. The processing facility's policy ~~on~~for maintaining an operating record of the amounts and types of solid waste accepted at the facility.
- q. The processing facility's ~~policy on~~ personnel-training policy for~~to~~ preventing and responding to~~address~~ emergencies, including:
- i. ~~The p~~Proper selection and use of personal protective safety clothing and equipment (PPE);
 - ii. Communication methods; and
 - iii. Precautions and procedures to be ~~employed~~used in the event of a release or discharge, ~~such as provisions for~~including containment, cleanup, decontamination, and Department notification.
- r. The processing facility's policy ~~outlining~~establishing procedures for ~~exclusion~~excluding, ~~isolating~~on, and ~~documentating~~on of loads containing radioactive, hazardous, liquid, or ~~any other~~ unauthorized solid waste not specifically permitted to be processed at the ~~processing~~ facility.

The policy shall include protocols and provisions for:

- i. Training facility personnel to recognize radioactive, hazardous, liquid, and ~~any other~~ unauthorized solid wastes;
- ii. Conducting r~~Random~~ inspections of incoming loads;
- iii. Inspecting~~ons~~ of all suspicious loads;
- iv. Isolating and handling special or other unauthorized waste;
- v. Maintaining records of loads containing unauthorized wastes; and

- vi. Notifying the Department of ~~the presence of~~ radioactive, hazardous, liquid, ~~and/or any~~ other unauthorized solid waste identified at the facility.
- s. The processing facility's proposed methods ~~for~~ of collecting, treating, and disposing ~~of any~~ liquid waste, including leachate, and other residues ~~resulting from the~~ generated by facility operations ~~of the processing facility~~.
- t. The processing facility's proposed ~~method of~~ salvaging, recycling, resource-recovery, or reclamation activities ~~involving to be operated at the facility on the~~ incoming solid waste and ~~the~~ outgoing residue;
- u. The processing facility's proposal for the disposition or ~~utilization~~ use of processed compost or other waste material.
- v. The processing facility's proposed plan for sampling and ~~analysis~~ analyzing of fly ash and bottom ash generated at the ~~processing facility~~; including the frequency of sampling and analysis.
- w. Emissions data, including, but not limited to:
 - i. ~~The expected~~ anticipated types and quantity of emissions; ~~the amount of each emission~~;
 - ii. Any chemical transformations of the emissions ~~which that~~ may ~~result to occur~~ after their release;
 - iii. Emission-dispersion patterns, ~~of the emissions~~, fall out, and wet fall; ~~of the emissions~~;
 - iv. ~~The~~ anticipated impact of the emissions on any non-attainment area;
 - v. ~~The proposed methods~~ type of emissions monitoring, including stack monitoring;
 - vi. ~~The~~ potential health impacts of the emissions; and
 - vii. ~~The~~ number of people or ~~the~~ geographic area ~~which that~~ may be affected by the emissions.

Alternatively, the applicant may submit acceptable documentation concerning the emission that has been submitted to and accepted by Utah Department of Environmental Quality, Division of Air Quality.

- x. Emissions- and gas-monitoring plans and frequencies, if it is ~~determined by the Department~~ determines that operation of the processing facility's ~~operation~~ could ~~potentially impact~~ affect air

quality or pose a hazard.

- y. The processing facility's proposed methods and procedures for decontaminating equipment and containers.
- z. The processing facility's proposed water-monitoring plan required by as described in sSection 4.1.6(i) of this Regulation, if the Department determines that operation of the processing facility could ~~potentially impact~~affect groundwater or surface-water quality.

aa. **Landspreading Facility Additional Requirements.** In addition to the information required~~ments set forth in~~ sSections 4.1.2(i)-(a)-through (z)-above, the report submitted with~~by~~ an application~~nt for~~ a seeking permit approval for a landspreading facility permit shall include~~also~~:

- i. A d~~Description~~be of the benefits of landspreading the material ~~to be landspread~~.
- ii. A d~~Description~~be of the potential impacts of landspreading on human health, ~~and~~ animal health, and the environment, including ~~from~~:
 - 1. The uptake of h~~Heavy metals~~ and toxic organic chemical uptake~~by crops~~;
 - 2. The p~~Potential loss of crop-land due to the~~resulting from landspreading ~~of the solid waste~~;
 - 3. The potential d~~Degradation of surface-water or and~~ groundwater quality ~~due to the landspreading facility~~;
 - 4. Impacts on soil biota;
 - 5. Impacts on existing or future vegetation;
 - 6. ~~Affect~~ Effects on the food chain, including wildlife;
 - 7. Pathogen impacts;
 - 8. Odors and potential vector attraction; and
 - 9. Any other hazard~~nuisance~~ that may be created by the landspreading facility.
- iii. A description of ~~Identify and describe~~ how the facility will address the odors that may affect~~impact on~~ downwind residents and surrounding other communities surrounding the facility that could

be affected.

- iv. ~~Identify T~~the depth ~~to~~of the bedrock of the ~~proposed~~ site and the seasonal high groundwater at the proposed site.
- v. ~~A d~~Descriptionbe of how snow will be removed ~~before~~prior to landspreading, how run-on and run-off from snow melt or other precipitation will be ~~managed~~handled, and ~~provide a description of~~ the surface-drainage patterns of the proposed site.
- vi. ~~Provide a~~A chemical analysis of the soils ~~of~~at the proposed landspreading facility, including surface soils and soils extending to a depth of 12 inches below the plowing depth. The analysis shall include ~~the following chemical parameters:~~ pH, total Kjeldahl nitrogen, ammonia, chlorine, total phosphorus, total potassium, total solids, arsenic, cadmium, copper, total chromium, mercury, nickel, lead, selenium, zinc, and polychlorinated biphenyls; The results shall be reported on a dry-weight basis except for pH and total solids.

bb. Composting and Mulching Facilities Additional Requirements.

- i. In addition to the information required~~ments set forth in by~~ Ssection 4.1.2(a)-(i)-(a): through- (z)- above, the report submitted ~~by an applicant with an application for seeking permit approval for~~ a composting or a mulching facility permit shall also include~~provide~~:
 - 1. A description of the temperature-monitoring and other monitoring equipment, and the location of temperature and other types of monitoringthe equipment, and the frequency of monitoring;
 - 2. A description of any additive material, including its origin, quantity, quality, and frequency of use;
 - 3. The sSpecial precautions or procedures ~~for to be~~ used~~operation~~ during wind, heavy rain, snow, and freezing conditions;
 - 4. The eEstimated duration of the composting or mulching time durationprocess, measured~~which is the time period~~ from initiation ~~of the composting or mulching process to its~~ through completion;
 - 5. For windrow systems, the proposed windrow dimension~~se~~construction, including width, length, and height; and

6. The proposed method of aeration, including the turning frequency or a description of the mechanical aeration equipment and aeration's capacity.

ii. Compost piles or windrows shall be constructed on a Department-approved impermeable surface designed to prevent contamination of groundwater, surface water, or and soils and to collect capture run-off and leachate.

(ii) **Closure and Post-Closure Plan.**

- a. A pPermit applicants shall prepare a written closure and post-closure plan that describes the monitoring, routine maintenance, and other steps methods and procedures necessary to close the processing facility at any point during the facility's it's active life and to complete post-closure activities in accordance with the requirements of sSection 4.1.4(iii). The closure and post-closure plan shall include methods and procedures that will be used to close the facility.
- b. After the Department approved the No modification to the closure and post-closure plan, the plan may not be modified without shall be made after it is approved by the further Department approval, unless approved by the Department.
- c. A copy of the approved closure and post-closure plan shall be kept maintained at the facility or at a designated alternative location, and by at the Department, throughout the closure and post-closure care periods.

4.1.3 **Landfill Plans and Specifications.**

- (i) **Report Requirements.** An aApplicants for a permit to construct or operate a landfill shall submit report the following information to the Department, upon application for a permit to construct or operate a landfill. The Department may require someone or more of the following items to be reported prepared by a Utah-licensed Professional Engineer.
 - a. Contact information for the landfill's owner and operator of the landfill as well as and for the managers responsible for the landfill's on duty and in charge of actual operation and maintenance of the landfill. The cContact information shall include names, email addresses, mailing addresses, and telephone numbers.
 - b. Evidence of land ownership or a leasehold interest, lease agreements, in the proposed site, including and a copies of any agreements or permissions authorizing to use of the property for as a landfill.
 - c. The number of personnel to be employed at the landfill.

- d. The landfill's hours of operations at the landfill.
- e. The expected life span of the landfill's anticipated operating life, and the proposed use of the land following its completion closure.
- f. The present and anticipated future population and geographic area to be served by the proposed landfill.
- g. One or more plat maps, aerial photographs, ~~and/or~~ blueprints ~~that~~ accurately showing:
 - i. The exact location and boundaries of the proposed facility, ~~its specific boundaries,~~ and all homes, businesses, and structures within ~~1/4~~one-quarter mile of the ~~site~~facility boundaries;
 - ii. Current land use and zoning within ~~1/4~~one quarter mile of the facility; and all runways within 5,000 feet of the landfill;-
 - iii. Access roads ~~access~~ to the facility, internal roads, and equipment flow patterns;
 - iv. The location of fencing or other means of limiting access;
 - v. The location of shelter and sanitary facilities for operating personnel;
 - vi. All public and commercial unloading areas, ~~public and commercial;~~
 - vii. The locations where salvaged materials will be ~~kept~~stored;
 - viii. The location of existing and proposed utilities servicing the ~~processing facility~~landfill;
 - ix. Wells, watercourses, and surface drainage channels ~~on~~within the landfill and within ~~1/4~~one-quarter mile of ~~the landfill's~~it's boundaries;
 - x. Rock outcroppings and the general topography and irregular topographic features within the landfill boundaries; and
 - xi. Any other applicable details.
- h. All details listed above shall be identified and indicated on the plat maps, aerial photographs, ~~and/or~~ blueprints.
- i. A description of the historical and current land uses and the total area of the proposed landfill;

- j. A description of existing site conditions at and proposed improvements ~~to the landfill to~~ for controlling run-on and run-off.
- k. ~~A soil description including pH, metal concentrations for the metals listed in Appendix A of this regulation, and the ion exchange capacity to a depth of at least 5 feet below the proposed landfill or proposed excavations and a detailed description of geology of the area. Sample collection shall be obtained by soil borings, trenching, or other methods approved by the Department. A geohydrological assessment of the facility, as listed in Utah Administrative Code R315-310-4.~~
- l. A description of surface water within ~~¼~~one-quarter miles of the landfill, including seasonal variations, and ~~a description of the~~ minimum and maximum groundwater elevations, ~~throughout the landfill site,~~ groundwater-flow patterns, and groundwater quality and quantity throughout the landfill site.
- m. A description of the liners to be installed to prevent the migration of waste, leachate and other contaminants.;
- n. The availability, ~~amounts~~quantity, source, and characteristics of cover material and the proposed cover design, including cover material needed for emergency fire control and closure.
- o. The anticipated generation of Potential leachate and decomposition gas, ~~generation,~~ including ~~the amount~~their quantities and physical and chemical characteristics, ~~of the leachate and decomposition gas,~~ and the proposed methods of control, monitoring, collection, treatment, and disposal.
- p. The present and anticipated ~~present and~~ future types, ~~quantity (daily and total quantities),~~ and source of the solid waste to be deposited at the landfill. The description shall separately identify waste originating including those sources within Salt Lake County, elsewhere in Utah, those sources outside Salt Lake County, and those sources outside the State of Utah.
- q. The method and pattern of landfilling.
- r. Anticipated provisions for:
 - i. Equipment, including (brand and model), available for efficient excavation~~ng~~, earth moving, spreading, compaction, and other operational needs;
 - ii. Fencing and other measures~~provisions made~~ for controlling of access and ~~the preventing of scattering of~~ windblown waste material by wind;

- iii. Fire, dust, bird, vector, and odor control;
 - iv. Traffic control and user notification requirements; and
 - v. Salvaging or recovering wastes for recycling.
- s. The landfill's policy ~~on~~for maintaining an operating record of the amounts and types of solid waste accepted at the facility.
 - t. The landfill's ~~policy on~~ personnel-training policy for ~~to~~ preventing and ~~address~~responding to emergencies, including:
 - i. ~~The p~~Proper selection and use of ~~safety clothing and~~ personal protective equipment (PPE); and
 - ii. Communication methods, ~~and~~ .
 - u. ~~The p~~Precautions and procedures to be ~~used~~employed in the event of a release or discharge, including such as provisions for containment, cleanup, decontamination, and Department notification.
 - v. The landfill's policy ~~outlining~~establishing procedures for ~~excluding~~isolation, ~~isolating~~on, and ~~documenting~~ation of loads containing radioactive, hazardous, liquid, or ~~any~~ other unauthorized solid waste not specifically permitted ~~to be for~~ disposed of at the landfill. The policy shall include protocols and provisions for:
 - i. Training facility personnel to recognize radioactive, hazardous, liquid, and ~~any~~ other unauthorized solid wastes;
 - ii. ~~Conducting r~~Random inspections of incoming loads;
 - iii. ~~Inspecting~~ons of all suspicious loads;
 - iv. Isolating and handling special or other unauthorized waste;
 - v. Maintaining records of loads containing unauthorized wastes; and
 - vi. Notifying the Department of ~~the presence of~~ radioactive, hazardous, liquid, ~~and or~~ any other unauthorized solid waste identified at the landfill.
 - w. The landfill's policy on controlling run-on and run-off.
 - x. The landfill's policy ~~on~~for handling special wastes.
 - y. The landfill's water-monitoring plan as ~~described in~~required by Section 4.1.6(i) of this Regulation.

(ii) **Landfill Closure Plan and Post-Closure Plan.**

- a. Landfill permit applicants shall prepare a written closure and post-closure plan ~~that describes~~ the monitoring, routine maintenance, and other steps necessary to close the landfill and ~~at each landfill cells of the landfill~~ at any point during the facility's active life and to complete post-closure activities in accordance with ~~the requirements of~~ Section 4.1.5(iii) of this Regulation.
- b. The closure and post-closure plan shall include:
 - i. A description of the methods, procedures, and processes that will be used to close each landfill cell ~~of the landfill~~, including, but not limited to:
 1. ~~The m~~ Maintenance and control of the landfill and prevention ~~the elimination~~ of the escape of waste, leachate, decomposition products and gases, and runoff;
 2. The final facility topographic and drainage plan;
 3. The source and composition of cover material; and the proposed slope ~~ing~~, landscaping, and vegetation;
 4. The specific engineering procedures for on-site structures;
 5. ~~The A~~ description of the monitoring and maintenance activities including frequency of performance required ~~in by~~ Ssections 4.1.5(iii)(g), for each closed landfill or landfill cell ~~closed~~;
 6. The names, addresses, and telephone numbers of the persons to contact ~~about~~ regarding the landfill during closure ~~or~~ and post-closure; and
 7. A description of the planned uses of the property during the post-closure care period ~~of the property~~.
 - ii. An estimate of the maximum portion of the landfill operation ~~that~~ will be open at any time during the ~~its~~ active life ~~of the landfill~~ and the proposed closing ~~sequence~~ for closing ~~of~~ phased operations;
 - iii. An estimate of the maximum inventory of solid waste expected to be present ~~ever exist on -site at any time over the~~ during the ~~landfill's active life of the landfill~~; and
 - iv. A schedule for completing ~~on~~ of all activities necessary to satisfy the closure and post closure requirements.

- c. ~~No modification to the~~ The Department-approved closure and post-closure plan may not be modified~~shall be made~~ without further~~the~~ approval of the Department approval.
- d. A copy of the approved closure and post-closure plan shall be ~~kept~~maintained at the facility or at a designated alternative location, and ~~at~~by the Department, throughout the closure and post-closure care periods.

4.1.4 Processing Facility Minimum Design, Construction, Operating, and Closure Requirements.

(i) Processing Facility General Design and Construction Requirements.

- a. A processing facility shall be situated to minimize interference with other community activities.
- b. The Department may require the installation of ground-water-monitoring wells ~~prior to~~before construction ~~and~~or operation of a processing facility begins or at any time after the facility ~~has~~ commences~~d~~ operation.
- c. A processing facility located within 500 feet of a residence shall be screened from view~~obscured~~ by a fence at least ~~8~~eight feet high that provides~~with~~ 75% screening.
- d. All-weather roads ~~capable~~negotiable ~~by~~ of accommodating loaded vehicles shall:
 - i. Be provided at the facility;
 - ii. Connect the facility ~~with~~to public roads;_;
 - iii. Be designed and maintained to prevent traffic congestion and hazards;_; and
 - iv. Be designed to minimize air and noise pollution.
- e. A processing facility shall be roofed and enclosed on at least three sides to ~~control~~prevent dust, litter, and other solid wastes from escaping the premises.
- f. A processing facility shall have a scale or another Department-approved method to accurately determine the amount of solid waste received at the facility. If the facility uses a scale, the scale must be registered by the Utah Department of Agriculture Weights and Measures Program.

- g. ~~The A~~ processing facility shall have an unloading area of adequate size and design to facilitate the rapid unloading of solid waste from collection vehicles.
- h. **Drainage.** ~~The A~~ processing facility shall be designed ~~so to divert~~ surface drainage ~~is diverted~~ around or away from the facility's operational areas ~~of the facility~~.
- i. **Surfaces.** Floor surfaces shall be constructed of impervious materials, be easily cleaned ~~able~~ by flushing, and be equipped with floor drains or a sump pump connected to a sanitary sewer system or an equivalent system approved by the Department to facilitate the removal of moisture.
- j. **Shelter.** Adequate drinking water, shelter from the elements, and sanitary facilities shall be available ~~at the facility~~ for facility personnel.
- k. **Surface Impoundments.** In addition to the requirements of ~~sections set forth in~~ 4.1.4(ii)(a)- through (in) ~~above~~, surface impoundments shall comply with the following design and construction requirements:
 - i. Surface impoundments shall be ~~greater~~ more than 2 two feet deep and shall be designed and constructed with a minimum two-foot freeboard consisting of soil or other material approved by the Department. The freeboard shall at all times extend 2 at least two feet ~~above the top of~~ the highest point of the waste within the surface impoundment.
 - ii. Surface impoundments shall be constructed with a liner system to minimize percolation. The liner system shall consist of ~~be constructed of an~~ impermeable clay ~~having~~ with a hydraulic conductivity of 1×10^{-7} ~~(or less)~~ cm/sec or less, or a synthetic or ~~man-made~~ manufactured liner approved by the Department.
 - iii. The base of the surface impoundment shall be ~~a minimum~~ at least ~~of 5~~ five feet above both the seasonal high groundwater table and the top of bedrock.
 - iv. At least ~~minimum~~ of one upgradient and two down gradient groundwater-monitoring wells, or more if required by the Department, shall be installed at the surface impoundment site. Groundwater monitoring wells shall be installed and sampled according to ~~the requirements set forth in~~ Ssection 4.1.6. Instead ~~lieu of~~ or in addition to groundwater-monitoring wells, the Department may require a secondary liner system for the surface impoundment.

1. **Landspreading Facilities.** In addition to the requirements ~~set forth in~~ Ssections 4.41.4(ii)-(a)- through (jm)-above, landspreading facilities shall comply with the following design and construction requirements:

- i. A landspreading facility may not be located within 50 feet of ~~any~~ property line or within 500 feet of ~~any~~ residence or place of business, except where the adjoining property line or residence is owned by the residence of the facility owner.
- ii. A landspreading facility may not be located within 200 feet of ~~any~~ potable water supply or surface water, or within 25 feet of ~~any~~ drainage swale or surface drainage system.
- iii. The Department may require the owner or operator ~~may be required by the Department~~ to install at least ~~minimum of one~~ up-gradient and two down-gradient groundwater-monitoring wells in accordance with Ssection 4.1.6 of this Rregulation.

(ii) **Processing Facility General Operating Requirements.**

- a. The owner or operator of a processing facility shall comply with all plans, policies, and representations submitted to the Department pursuant to the ~~Rreport~~ requirements in ~~subpart~~ Ssection 4.1.2(i) of this Rregulation.
- b. **Signage.** A sign shall be posted at the entrance ~~o~~fto the processing facility stating that indicates the facility's name, permit number, hours of operation, penalty for unauthorized use, necessary safety precautions, types of waste accepted or prohibited, and any other pertinent information necessary to protect that will ensure the public health and safety of the public.
- c. **Minimum Operating Standards.**
 - i. A processing facility shall be equipped, operated, and maintained to minimize interference with other community activities.
 - ii. Solid waste shall be confined to the loading, unloading, and processing areas ~~of the facility~~.
 - iii. Dust, odor, and noise resulting from the unloading of solid waste and ~~the~~ operation of the processing facility shall be controlled at all times ~~to comply~~ in accordance with applicable local, state, and federal laws.
 - iv. Accumulations of solid waste shall be controlled to minimize odors and prevent infestation by insects or rodents, ~~and The~~ operator shall immediately implement supplemental additional effective vector-control measures when shall be initiated

~~immediately by the operator~~ if necessary to prevent or eliminate insects ~~and~~or rodents.

- v. All residue from the processing facility, including all solid waste remaining at the end of the working day, shall be promptly disposed of at an approved landfill or stored in ~~a manner~~ consistent~~accordance~~ with ~~subchapter~~ Section 4.1.4(ii)(d)-(iii) of this Regulation.
- vi. Owners or operators of solid waste incinerators or other processing facilities that generate fly ash ~~or~~ bottom ash residue shall provide the Department with analysis results from an approved laboratory, ~~of their fly and bottom ash residue to the Department.~~ Sampling and analysis shall be conducted at the frequency ~~specified~~stated in the processing facility's plan required by Section chapter 4.1.2(i)(v).
- vii. The facility owner or operator shall effectively collect, treat, and dispose of leachate and drainage from the facility. If required by the Department, leachate shall be sampled and analyzed prior to before disposal and shall not be allowed to cause or contribute to groundwater contamination, of groundwater quality; to drain or discharge into surface water except pursuant to Utah Pollution Discharge Elimination System Ppermit, or violate any establishedapplicable surface-water standards.
- viii. Unless otherwise approved by the Department, all waste-water from the processing facility shall be discharged into ~~the~~a sanitary sewer ~~upon obtaining~~after permission is obtained from the publicly owned treatment works.
- ix. The owner or operator of ~~the~~a ~~P~~rocessing ~~F~~acility shall divert surface-water run-on away from facility operations.
- x. **Water Quality Monitoring.** The Department may require the owner or operator of a processing facility to monitor the ~~effects the~~ facility's ~~effects~~ has on ground water and surface-water quality in accordance by requiring the processing facility to conform to the requirements of Ssection 4.1.6 of this Regulation.

d. **Vehicles.**

- i. Collection vehicles shall be unloaded~~Unloading of collection vehicles shall take place~~ only within the enclosed structure or in designated areas approved by the Department.
- ii. Collection and transfer vehicles shall be loaded and operated to prevent solid waste from dropping, leaking, sifting, blowing, or

otherwise being discharged of solid waste.

- iii. A sufficient number of transfer vehicles or trailers shall be available to prevent excessive storage of solid waste at the processing facility. Vehicles containing garbage shall be removed or emptied as often as necessary to maintain sanitary conditions, but at least once good sanitation, in no case less fewer than every 24~~twenty four~~ hours.
- iv. Solid waste transfer vehicles shall be cleaned as frequently as necessary to prevent objectionable odors; or vector conditions; or any other nuisance from forming that attract vectors.

e. Permitted and Unauthorized Waste.

- i. A processing facility shall accept and process only those types of solid waste authorized underfor which it was permitted by the its Department-issued permit.
- ii. Facility personnel shall be trained in accordance with~~according to~~ the facility's policy ~~on how~~ to recognize radioactive, hazardous, liquid, or ~~any~~ other unauthorized solid waste and shall ~~be instructed to immediately~~ notify the Department ~~immediately when any of these solidsuch wastes areis~~ encountered.
- iii. Radioactive, hazardous, liquid, or ~~any other unauthorized~~ solid wastes not authorized by the facility's permit shall not be accepted ~~at a processing facility~~. The Department shall be notified immediately if hazardous waste is refused ~~by the facility~~ or is discovered ~~by the owner or operator ofat~~ the facility.
- iv. Solid waste that is burning or at a temperature likely to cause a fire shall not be accepted at the processing facility.
- v. Any large, heavy, or bulky items that cannot be handled in the routine operation of the facility shall be excluded unless special provisions are made to handle the waste.

f. Load Inspection.

- i. At least 1% of the ~~incoming daily~~ loads received at to the processing facility each day shall be randomly selected for inspection.
- ii. The processing facility's owner or operator shall inspect all suspicious loads arrivingreceived at the facility.

g. Composting, Mulching, and Salvaging.

- i. Materials resulting from composting, mulching, salvaging, or similar processes ~~that are~~ offered for sale or use by the general public shall:
 1. ~~Ce~~ontain pathogenic organisms of a count equal to or less than ~~the pathogen count~~ at levels not exceeding those acceptable to the Department;
 2. ~~N~~ot be capable of reaching the temperature of self-ignition ~~temperature upon~~ while standing;
 3. ~~B~~e innocuous;
 4. ~~B~~e relatively odor free;
 5. ~~Ce~~ontain no sharp particles or objects that ~~would cause~~ could injury to persons handling the compost or other material; and
 6. ~~N~~ot otherwise endanger ~~the~~ public health.
- ii. **Composting Facilities:** During the composting process, the compost shall:
 1. Maintain an average temperature throughout the compost mass greater than 130 degrees Fahrenheit (55 degrees Celsius) for a ~~period of~~ at least five days ~~as an average throughout the compost mass in order~~ to reduce pathogens; and
 2. Maintain a moisture content of 40% to 65% ~~within the compost~~ throughout processing.
 3. Outdoor storage – Compost Piles: Piles of composted materials stored outdoors shall comply ~~be stored in accordance~~ with local fire department requirements. If no local fire department requirements have been established, compost piles shall be:
 - A. ~~Be S~~stored at ~~least~~ not less than 50 feet from any structure or property boundary;
 - B. ~~Have~~ In a volume of no more than 5,000 cubic feet ~~or less per pile~~;
 - C. ~~A height~~ Not exceeding the reach of the machinery used to turn the compost or 25 feet, whichever is less; and
 - D. ~~With~~ Have aisles between piles sufficiently wide to allow access by ~~for~~ fire-fighting vehicles ~~access~~.

4. Outdoor storage – Compost Windrows. Windrows of composted materials stored outdoorside shall ~~comply be stored in accordance~~ with local fire department requirements. If no local fire department requirements have been established, then compost windrows shall be:
 - A. ~~Be c~~Constructed at least~~not less than~~ 20 feet from any structure or property boundary;
 - B. ~~Have~~In a volume of no more than 5,000 cubic feet ~~or less~~ per windrow;
 - C. ~~A height N~~not exceeding the reach of the machinery used to turn the compost or 25 feet, whichever is less; and
 - D. ~~With~~Have aisles between windrows at least~~at least~~ a ~~minimum width of not less than~~ one-half the ~~windrow~~pile height or ~~10~~ ten feet wide, whichever is greater.
 5. Indoor storage. Piles of composted materials stored within an enclosed structure shall ~~be stored in accordance~~comply with local fire department requirements or another Department-approved method.
- iii. **Mulching Facilities.** During the mulching process, ~~the mulch~~ shall be managed in accordance with local fire department requirements. If no local fire departments requirements have been established, ~~then mulch piles shall be managed to minimize spontaneous combustion mulch piles and shall be:~~
1. ~~Be s~~Stored ~~not less than~~at least 50 feet from any structure or property boundary;
 2. ~~In~~Have a volume of no more than 5,000 cubic feet ~~or less~~ per pile;
 3. ~~A height N~~not exceeding the reach of the machinery used to turn the mulch or 25 feet in height, whichever is less; and
 4. ~~With~~Have aisles between piles sufficiently wide to allow access for fire-fighting vehicles access.
- iv. **Salvaging Facilities.** Salvaging shall be conducted in a waymanner that prevents injury, ~~and~~ interference with required facility operations, and ~~prevents the creation of a nuisance or~~

vector harborage.

1. Salvaged material that is not confined to an area approved by the Department shall be removed from the facility within ~~twenty-four~~ 24 hours ~~of~~after being salvaged.
2. Drugs, cosmetics, foods, beverages, hazardous wastes, ~~or~~and other similar materials capable of impairing public health shall not be salvaged unless ~~permitted~~authorized by the Department.

h. **Maintenance.** Adequate provisions shall be made for routine ~~operational~~ maintenance of the processing facility and all appurtenances.

- i. ~~The p~~Processing facilities, including access roads, shall be cleaned as often as necessary to prevent ~~conditions creating a~~ health hazards, or littering, or a nuisances.
- ii. All plumbing shall be properly maintained, ~~and the floors shall be~~ adequately drained and kept free of standing water; ~~and.~~
- iii. All utility services shall be properly maintained.
- iv. All operational equipment shall be repaired ~~promptly~~quickly and efficiently.

i. **Alternative Operation.** ~~If for any reason~~ the processing facility ~~becomes is rendered~~ inoperable for any reason, a Department-approved alternative method shall be used for solid waste processing or disposal.

j. **Emergency Management.**

- i. Emergency procedures shall be adopted and provided to employees ~~in the event of~~ for responding to any discharge of solid waste including procedures for the emergency clean-up procedures, ~~decontamination procedures,~~ and notification ~~procedures of~~ emergency personnel and ~~the Department personnel.~~
- ii. Equipment shall be provided to control accidental fires and arrangements shall be made with the local fire protection agency to provide emergency services when needed.
- iii. Methods of communication shall be ~~provided~~available for emergency purposes.

k. **Supervision.** During hours when the public has access to the processing facility, the ~~processing~~ facility shall be operated under the close supervision of responsible individuals ~~who are~~ familiar with

~~the~~its requirements and operating~~onal~~ procedures of the facility.

l. **Access.**

- i. Public access to the facility shall be limited to hours of operation;
- ii. Access shall be restricted in areas where explosion hazards exist or where hazardous materials are stored or handled.

m. **Operating ~~r~~Record.** The processing facility's owner or operator shall ~~keep and submit~~maintain an operating record and submit it to the Department ~~as requested and upon request.~~ The operating record that~~shall~~ includes:

- i. The types and amounts of solid waste handled, composted, processed, treated, or incinerated at the facility;
 - ii. The amount of fuel, compost, or other recovered or recyclable material produced from solid waste at the facility;
 - iii. The amount and composition of by-products or residue removed;
 - iv. The disposition of by-products or residue;
 - v. Combustion temperatures and residence times;
 - vi. Stack~~_~~testing and other air~~_~~pollution~~_~~monitoring results;
 - vii. Records of a~~All~~ incoming~~_~~load inspections conducted at the facility;
 - viii. Groundwater~~_~~monitoring, testing, ~~or~~and analytical data gathered pursuant to ~~the requirements in~~ Section 4.1.6 of this Regulation.
 - ix. Records of i~~nspections records~~, training ~~records~~, and notifications ~~procedures required by Section in chapter~~ 4.1.4(ii)(e) of this Regulation; and
 - x. Any o~~Other~~ information ~~on the~~ concerning operation of the processing facility that is not otherwise specified~~edally mentioned~~ in this Regulation and that is required by the Department requires.
- n. **Surface Impoundments.** In addition to the requirements ~~set forth in~~ Sections 4.1.4(ii)-(a), ~~through (m), above,~~ the owner or operator of a surface impoundment shall ~~also~~ comply with the following operating requirements:
- i. Baseline water quality data for the parameters listed in Appendix A of this R~~egulation~~ Utah Administrative Code R315-308 shall be

established ~~prior to before~~ depositing any solid waste is deposited ~~in~~at the surface impoundment.

- ii. Soils at the facility shall be analyzed for pH and the metals listed in ~~Appendix A~~ prior to Utah Administrative Code R315-308 ~~before depositing~~ any solid waste is deposited ~~in~~at the surface impoundment.
- iii. The Department may require additional ~~Further~~ chemical analysis ~~shall be undertaken as deemed necessary by the Department prior to depositing~~ before waste is deposited ~~in~~at the surface impoundment.
- iv. The owner or operator ~~of a surface impoundment~~ shall ~~verify~~ensure that ~~the cleaning, or blending within the surface impoundment, or removing~~al of any sludge from the surface impoundment does not ~~in any way~~ damage the integrity of the liner system.
- v. Surface impoundments shall be completely emptied annually unless otherwise approved by the Department. The Department shall be notified at least 7 seven days before the impoundment ~~is prior to emptying~~ to allow facilitate inspection of the liner ~~prior to before~~ refilling. Any damage to the liner shall be repaired ~~prior to before~~ placing or filling the surface impoundment with any liquid, semi-liquid, or other waste is placed in the surface impoundment.
- vi. ~~Samples of G~~groundwater samples from monitoring wells or other monitoring devices shall be collected and analyzed ~~on a~~ quarterly basis, unless otherwise approved by the Department, for the following parameters: -chloride, nitrate, sulfate, total hardness, alkalinity, total organic carbon, chemical oxygen demand and the field parameters listed in ~~Appendix A~~ Utah Administrative Code R315-308.
- vii. ~~Samples of G~~groundwater samples from monitoring wells or other monitoring devices shall be collected and analyzed ~~on a~~ semi-annually basis, unless otherwise approved by the Department, for the priority metals listed in ~~Appendix A~~ Utah Administrative Code R315-308 and for persistent organic compounds as ~~determined~~ identified by the Department.
- viii. An annual report shall be submitted ~~annually~~ to the Department that includes the results of all required analyses, the sources and quantities of all materials placed in the surface impoundment, the date and the amounts of material removed from the impoundment, and the ~~location~~ destinations of where the removed material was

taken.

- o. **Landspreading Facilities.** In addition to the requirements ~~of set forth in Ssection 4.1.4(ii)-(a)- through (m)-above,~~ the owner or operator of a landspreading facility shall ~~also~~ comply with the following operating requirements and prohibitions:
- i. Materials determined to be hazardous by the Department, the State of Utah, or the federal government shall not be landspread;
 - ii. ~~On an~~At intervals approved by the Department, the landspreading facility's owner or operator shall collect samples and provide ~~for a~~ chemical analysis ~~es~~ for the parameters listed in Appendix A Utah Adminisitrative Code R315-308 parameters from:
 1. Groundwater obtained from monitoring wells;
 2. ~~The~~Sludge at the facility. Sludge shall be analyzed for nitrogen ~~both~~ upon receipt at the facility and after processing. ~~Such s~~Samples shall be collected as performed on grab samples, ~~that are~~ immediately frozen upon collection, sampling and remain maintained in a frozen state throughout the storage period;
 3. Soils at tThe landspreading facility's soils; and
 4. ~~The v~~Vegetation grown at the facility.
 - iii. The owner or operator of the landspreading facility shall provide ~~to the Department with the facility's loading rates, and the loading capacities, of the landspreading facility, and its proposed maximum levels~~loading limits and shall provide assurance that the Department-approved soil limits will not be exceeded.
- p. **Waste Tire Storage Facility Requirements.** In addition to the requirements ~~set forth in of Ssection 4.1.4(ii)-(a)- through (m)-above,~~ waste tire storage facilities shall also comply with the following operating requirements. Sections ~~4.1.4(ii)(p)(ii)- through (iv-vii)~~ are as required ~~in by the International Fire Code~~Utah Administrative Code R315-314.
- i. Waste tire storage areas shall be fenced to control access.
 - ii. Tires shall be stored in a ~~way~~manner that ~~affords~~provides fire protection by limiting ~~the each~~ storage area or tire piles to no more than 5,000 square feet of continuous area 50,000 cubic feet in volume or and with an elevation not to exceed 10 ten feet in height.

- iii. A space at least ~~40~~50 feet wide shall be provided and maintained between ~~each~~ storage areas or waste tire piles. A distance of at least ~~50~~10 feet shall also be maintained between each storage area or waste tire pile and ~~the~~from the perimeter of the property boundary and between each storage area or waste tire pile and any building and not exceed six feet in height if within 20 feet of any property boundary or building. ~~and 50 feet from all buildings shall be provided and maintained.~~ Such ~~These~~ spaces shall not be obstructed by buildings or debris and shall not contain weeds, trees, or other flammable materials.
- iv. Waste tire storage areas shall be maintained free from combustible ground vegetation for a distance of 40 feet from the stored material to grass and weeds; ~~and for a distance of 100 feet from the stored material~~product to brush and forested areas.
- v. Equipment, soil and other Department approved materials shall be readily available in quantities ~~adequate~~sufficient to extinguish fires at the facility.
- vi. The facility shall employ vector control measures which may include:
 - 1. Covering waste tire storage areas with Department approved impermeable barriers that ~~prevent~~give protection from ~~an~~ the accumulation of precipitation;
 - 2. Treating the tires with Department approved chemicals;
 - 3. Shredding tires to eliminate vector breeding; ~~or~~
 - 4. Storing tires in a ~~way~~manner that allows ~~for~~ complete drainage.
- vii. Approach roads and ~~spacing~~ between tire piles shall be maintained ~~so that~~to allow firefighting equipment ~~ready~~ can easily access to fires.

(iii) Processing Facility Closure and Post Closure Requirements.

- a. The owner or operator ~~of the processing facility~~ shall close the processing facility in a waymanner that minimizes the need for further maintenance and the post-closure formation and release of leachate, gases, or odors to the air, groundwater, or surface water ~~is minimized~~.
- b. At least 90 calendar days ~~prior to~~before closing ~~the~~ close of the processing facility, the owner or operator shall notify the Department of the closure. ~~An inspection shall be made by~~ The Department shall inspect the facility to determine whether corrective repairs and any or

additional closure ~~and~~or post-closure care are needed.

- c. At least 30 calendar days ~~prior to~~before closure, the owner or operator ~~of the facility~~ shall notify ~~users of the facility~~ users of the closure. If ~~the users are a~~ municipality, business, or hauler shall be the notification shall be given notified directly. If the ~~general public uses the processing facility~~ is used by the general public, a notice shall be posted at the facility.
- d. The owner or operator ~~of the facility~~ shall begin closure activities of the facility in accordance with the Department-approved closure plan ~~approved by the Department~~ no later than 30 calendar days ~~following after the facility's final receipt of solid waste at the facility~~. In addition to the closure and post closure activities approved in the closure and post-closure plan, the owner or operator shall conduct closure and post-closure care, ~~consisting of including~~, but not limited to:
 - i. ~~Removing~~ all solid waste ~~material~~ and waste residues from the facility property, unless the facility is also permitted as a landfill;
 - ii. ~~Monitoring of~~ groundwater and surface water in accordance with pursuant to the water monitoring requirements of Section 4.1.6 of this Regulation for a period ~~of time~~ determined by the Department;
 - iii. ~~The s~~Sampling and analyzing ~~sis~~ of soil to determine whether assure no soil contamination ~~of soils~~ has occurred; and
 - iv. ~~The e~~Constructing ~~on~~ of additional fencing or other appropriate structures to limit access and ~~the posting of signs indicating that the facility is closed and identifying closure of the facility and alternative disposal locations.~~
- e. Following completion of closure and post-closure care, ~~of the processing facility~~, the Department shall determine ~~if whether the processing facility was closed and maintained in accordance with the closure and post-closure care has been completed in accordance with the closure and post-closure plan.~~ Before granting final approval, ~~t~~The Department may require, ~~prior to final approval,~~ that a qualified Utah Licensed Professional Engineer certify the closure.

4.1.5 Landfill Construction, Design, Operating, and Closure Requirements.

(i) Landfill Design and Construction Requirements.

- a. Before constructing a landfill, ~~An~~ owner or operator ~~of a landfill~~ shall install groundwater-~~monitoring~~ wells and establish a program for water quality sampling and analyzing ~~sis~~ groundwater ~~program of~~

~~ground and, if required by the Department, surface water quality prior to construction of a landfill.~~

- b. ~~A~~ Landfills shall be designed ~~in a way that~~ to protect the environment and the health and safety of employees, patrons, and the public.
- c. ~~The~~ A landfill shall be constructed to control run-off from the active ~~portion~~area of the landfill during peak water discharges from a 24-hour 25-year storm. ~~Landfill~~ Run-off controls shall include suitable channeling and diversion structures, ~~devices~~, including, but not limited to, ditches, berms, or dikes, to divert surface-water run-off from the land area ~~contiguous to~~adjoining the landfill.
- d. A liner system shall be installed in ~~each~~ new landfill or new landfill cell to minimize potential leachate migration. The liner system shall prevent ~~both~~ vertical and horizontal migration and shall consist of either ~~be constructed of~~ clay having with a hydraulic conductivity of ~~less than or equal to~~ 1×10^{-7} cm/sec or less, or a synthetic or ~~manmade~~manufactured liner approved by the Department.
- e. The owner or operator ~~of a landfill~~ shall install gates and fencing around the landfill facility to restrict unauthorized access and use of the facility.
- f. **Asbestos Waste Disposal Sites.** Asbestos waste ~~disposal~~ Sites shall be screened by fencing or berms and ~~shall be~~ posted with warning signs on all four sides. The ~~wording~~ “CAUTION ASBESTOS WASTE” or similar wording language, shall ~~appear~~be printed on the signs within lettering at least ~~3~~ three inches high.

(ii) **Landfill Operating Requirements.**

- a. The owner or operator of a landfill shall comply with all plans, policies, and representations submitted to the Department pursuant to the ~~R~~report requirements in Section 4.1.3(i) of this Regulation.
- b. ~~A~~ Landfills shall be operated in a ~~way~~manner that protects the environment and the health and safety of employees, patrons, and the public.
- c. The owner or operator of a landfill shall provide its employees ~~with the following~~:
 - i. A safety manual and instruction on ~~the application of~~applying the procedures in the manual's ~~procedures~~; and
 - ii. Personal safety ~~device~~equipment, including, but not limited to, hard hats, gloves, safety glasses, and safety footwear.

- d. The owner or operator of a landfill shall maintain the following and make available to the Department upon request operating records and make them available to the Department upon request including:
- i. Inspections of incoming loads conducted by landfill personnel;
 - ii. Employee safety trainings;
 - iii. The amount of solid waste accepted at the landfill for disposal as determined by weighing incoming loads, measuring the volume of incoming loads, or estimating the area filled by eachthe incoming load;
 - iv. The types of solid waste accepted for disposal at the landfill;
 - v. The amount and location of landfill area completed;
 - vi. Groundwater~~_~~monitoring, testing, ~~or~~and analytical data gathered pursuant to the requirements in Section 4.1.6 of this Regulation.
 - vii. Methane~~_~~gas monitoring data gathered pursuant to Section 4.1.5(iv) of this Regulation.
 - viii. The amount of leachate generated at the facility~~;~~.
 - ix. The fFrequency of leachate testing and analysis. If required~~Unless otherwise approved by the Department, leachate sampling and analysis for leachate shall be conducted at least:~~
 - a. Twice a year for landfills permitted to receive industrial waste; and
 - ~~b. Twice a year for municipal waste landfills;~~and
 - ~~c. Once a year for construction and demolition landfills.~~ - x. If required by the Department, the mMethods used to test and analyze leachate~~-content~~;
 - xi. If required by the Department, aAnalytical data from leachate testing~~; and~~
 - xii. The mMethods used to pump and dispose of leachate~~;~~ and
 - xiii. Closure and post-closure plans~~-as required in~~under Section 4.1.3(ii) of this Regulation.

e. **Solid Waste Disposal Restrictions.**

- i. A landfill shall not accept ~~any~~ hazardous or liquid waste. A ~~municipal~~ waste landfills may, however, accept household hazardous waste and liquid waste generated ~~from~~by households provided that the waste is not septic waste and ~~theis~~is contained ~~rs~~ in containers with a capacity no ~~greater~~more than five gallons.
 - ii. A landfill shall not accept asbestos waste for disposal unless ~~it~~the landfill is permitted to accept asbestos waste.
 - iii. A landfill shall not accept waste tires with a rim diameter greater than 24.5 inches, tire shreddings, or other material derived from ~~the shredding of tires unless it~~the landfill is permitted to accept waste tires.
 - iv. Solid waste shall be ~~The unloading and depositing of solid waste at the landfill shall be in only~~ in those areas designated by landfill personnel and as authorized by the Department.
 - v. Solid waste shall not be deposited in surface water or groundwater and shall be prevented from entering or leaching into surface water or groundwater.
 - vi. Open burning shall not be permitted at a landfill. Fires in solid waste ~~being~~ delivered to the landfill or ~~that~~ occurring at the working face or within equipment or personnel facilities shall be extinguished as quickly as possible.
- f. **Unauthorized Solid Waste Detection.** The owner or operator of a landfill shall develop and implement a policy ~~on how to~~for detecting and preventing the disposal or attempted disposal of unauthorized solid waste at the landfill. The policy shall provide protocols for:
- i. ~~The inspecting of~~ at least 1% of all incoming daily loads each day, to be selected at on a random basis, and ~~the inspecting of~~ all suspicious incoming loads;
 - ii. ~~Keeping~~Maintaining records of inspections ~~conducted~~ of incoming loads;
 - iii. Training site personnel to recognize hazardous waste and other unauthorized waste discovered at the landfill.
- g. Landfill personnel shall immediately notify the Department ~~immediately~~ if an incoming load of solid waste is rejected ~~at the landfill~~ or if hazardous or other unauthorized waste is found at the landfill. Notice shall be ~~made~~provided in writing ~~and~~ on a form prescribed by the Department. If applicable, a copy of the notice shall

be ~~given~~provided to the hauler of the rejected waste.

h. Noise and Vector Control.

- i. The landfill shall be maintained in a ~~way~~manner that prevents vector breeding or feeding.
- ii. Vector, dust, and odors shall be effectively controlled so that they ~~do~~are not create a hazard to health or safety.
- iii. Noise levels at the facility shall be controlled to prevent ~~noise~~the levels beyond the property line from exceeding the allowable limits established by ~~set forth in~~ the Department's Health Regulation No. #21, Community Noise Pollution Control.

- i. On-site roads and other through-ways shall be passable and safe at all times. This ~~chapter section is~~does not intended to prevent~~prohibit~~ the owner or operator ~~of a landfill~~ from restricting access to closed portions of the landfill.
- j. Access to the landfill shall only be allowed during hours of operation.

k. Signage.

- i. The owner or operator of a landfill shall post a sign at the landfill entrance ~~to the landfill indicating~~stating the landfill's name, permit number, hours of operation, penalty for unauthorized use, ~~necessary~~required safety precautions, types of waste accepted and prohibited, and any other pertinent information required to ~~ensure~~protect the ~~safety and health~~ and safety of persons present at the facility.
 - ii. The owner or operator ~~of a landfill~~ shall post signs throughout the facility ~~to directing~~ing traffic to open off-loading areas.
- l. Qualified personnel shall be present at the landfill to supervise activities during all hours of operation.
- m. The owner or operator ~~of a landfill~~ shall provide employees with equipment for communicating with one another and with first responders in ~~ease~~the event of an emergency at the facility. All operational equipment shall be repaired ~~quickly~~promptly and efficiently.
 - n. Adequate equipment for trenching, compacting~~on~~, and covering solid waste shall be available at the landfill during operating hours and for emergency response.

- o. Each piece of equipment used to spread or compact solid waste or cover material at the landfill shall be equipped with appropriate ~~s~~Safety devices including, but not limited to, rollover protective structures, seat belts, audible reverse warning devices, and a fire extinguisher ~~shall be provided on all equipment used to spread and compact solid waste or cover material at the landfill.~~
- p. Salvaging shall ~~only~~ be conducted only by a lawfully permitted recycler and in a waymanner that prevents injury, interference with required landfill operations, and the creation of a health or safety hazard, ~~nuisance~~, or vector harborage. Drugs, cosmetics, foods, beverages, hazardous chemicals, poisons, pesticides, infectious waste, or other similar materials capable of impairing public health shall not be salvaged.
- q. Solid waste shall be compacted to the greatest degree practicable. The working face shall be limited to the smallest areapracticable areain ~~order to confine~~minimize the amount of exposed waste without interfering with effective operatingon procedures.
- r. At least ~~6~~ six inches of cover material shall be placed daily over all solid waste received, or as often as directed by the Department, after compaction of the solid waste to the smallest practicable volume. Cells that will not ~~have~~receive additional solid waste ~~placed on them~~ for 30 days or more shall be covered with at least 12 inches of cover material.
- s. Within 30 days after completionng of a cell, at least ~~minimum of 2~~two feet of compacted final cover material shall be placed over the completed cell. The same final cover shall be placed over ~~or any~~ portion of a landfill where no additional waste will be placed for more than a period exceeding 12 months. Final grading of the cell or inactive area ~~portion~~ of the landfill where no additional waste will be placed for a period exceeding more than 12 months shall ~~be sloped to promote drainage of water~~ away from the landfill and shall ~~have~~be a minimum slope of 2% ~~slope~~ and a maximum of 33 percent% ~~for side slopes~~.
- t. The final cover on ~~any~~each completed portion of the landfill shall be vegetated to minimize erosion and maximize evapotranspiration.
- u. Leachate from a new landfill or cell shall be collected in a Department-approved leachate-collection system ~~approved by the Department and shall be~~ sampled and monitored as required by the Department. Leachate shall be disposed of through a Department-approved controlled leachate-recirculation process ~~approved by the Department, or by another means~~ Department-approved method of leachate disposal ~~approved by the Department~~. Leachate shall not be ~~allowed to drain or discharge into surface waters~~ water except pursuant to a StateUtah Pollution Discharge Elimination System

Permit and shall not cause or contribute to ~~contamination of~~ groundwater ~~contamination~~ quality or a violation of any established groundwater- or surface-~~water~~ standards.

- v. Surface water run-on and run-off shall be diverted from ~~flowing onto~~ the active portion of the landfill during peak ~~water~~ discharges from a ~~24-hour~~ 24-hour ~~25-year~~ 25-year storm. Run-off that has not been contaminated by solid waste ~~from a landfill~~ shall be routed to a settling basin or ~~shall be~~ controlled by other equally effective measures to remove sediment before discharge to a receiving stream.
- w. **Methane Monitoring.** During the active life of the landfill, the owner or operator of a landfill permitted pursuant to Section ~~subchapter~~ 4.1.1(i)(b)-(i) ~~shall~~ routinely monitor landfill methane concentrations in accordance with Section 4.1.5(iv) ~~of this Regulation~~ to ensure that:
 - i. The concentration of methane gas generated by the landfill does not exceed 25% of methane's lower explosive limit (LEL) in structures at the landfill, ~~(excluding gas-control or recovery-~~ system ~~components); and~~
 - ii. The concentration of methane gas generated by the ~~facility~~ landfill does not exceed methane's LEL at the landfill's boundary.
- x. **Groundwater and Surface-~~Water~~ Monitoring.** The owner or operator of a landfill shall routinely monitor groundwater and surface water in accordance with Section 4.1.6 ~~of this Regulation~~ to ensure the solid waste deposited at the landfill does not degrade groundwater or surface-~~water~~ quality or violate any rule or regulation of the Department, the State of Utah, or the ~~F~~ederal government.
- y. **Landfills and Cells Permitted to Accept Asbestos Waste.** In addition to the operating ~~R~~requirements set forth in ~~chapters~~ Sections 4.1.5(ii)(a)- through (x) ~~above~~, landfills and landfill cells permitted to accept asbestos waste shall ~~also be subject to~~ comply with the following requirements:
 - i. **Additional Operating Record Requirement.** The owner or operator of a landfill or landfill cell permitted to receive asbestos waste shall ~~keep~~ maintain an additional operating record ~~containing~~ identifying each ~~the identity of~~ persons who ~~have~~ disposed of asbestos waste at the landfill and the amount of asbestos waste ~~each person has disposed by that person~~ at the landfill.
 - ii. A ~~IL~~ landfills permitted to receive asbestos waste shall accept only asbestos waste that is wetted and contained in securely tied, six-mil-~~thick~~ plastic bags or other durable containers approved by the

Department. The owner or operator of a landfill permitted to receive asbestos waste shall notify the Department of any asbestos waste received at the landfill that is not wet or properly contained. No asbestos waste capable of being emitted in the atmosphere during normal unloading shall not be unloaded unless the material is wetted and the Department is notified.

- iii. ~~The owner or operators of a landfill permitted to receive asbestos waste~~ shall ensure ~~assure~~ that asbestos waste is unloaded in a way ~~manner~~ that minimizes breakage ~~ing~~ of containers or bags. ~~This~~ The facility may require the landfill to require users to provide advance notice ~~notify the facility~~ of the date and time ~~and date~~ the asbestos waste will be transported and the volume of asbestos to be disposed of, so that the facility personnel ~~operator~~ can oversee the unloading.
- iv. Unless otherwise approved by the Department, asbestos waste shall ~~only be placed~~ only in pre-dug trenches at the landfill located away from other solid waste management operations. Asbestos waste cells shall not be located on top of existing solid waste.
- v. All asbestos waste received at a landfill shall be covered daily, or as often as directed by the Department, with a Department-approved ~~approved by the Department~~ cover material, such as soil ~~that is free of debris or other objects that may puncture the~~ asbestos-containing bags or containers. Asbestos waste shall be covered with at least 2 feet 24 inches of cover material if equipment will be driven over the disposal area or with at least 6 inches of cover material if the waste is placed in trenches and equipment will not be driven over the disposal site ~~area~~.
- vi. The owner or operator of a landfill permitted to receive asbestos waste shall provide to the Department with, and keep ~~retain~~ on file, a plat map showing the exact location of all asbestos disposal areas.

(iii) **Landfill Closure and Post Closure.**

- a. The owner or operator of a landfill shall close each landfill or cell according to the closure plan submitted pursuant to Section 4.1.3(ii) of this Regulation and in a way ~~manner~~ that minimizes the need for further maintenance and ~~minimizes~~ the post-closure formation and release of leachate and explosive gasses into the air, groundwater, or surface water to the extent necessary to protect the public health and welfare and ~~to prevent any~~ hazards ~~nuisances~~.
- b. ~~The~~ Final ~~grading~~ of the landfill shall ~~be sloped to promote drainage of water off away from the landfill and shall behave a minimum slope of 2% slope and a maximum side slope of 33% percent for side slopes.~~

Final cover material shall be well compacted to ~~enhance~~promote runoff while minimizing infiltration.

- c. The owner or operator ~~of a landfill~~ shall notify the Department at least 90 days before closure so that the Department may review the closure and post-closure plans for completeness.
- d. The owner or operator ~~of a landfill~~ shall notify users ~~of the landfill~~ at least 30 days before closure. Municipalities and haulers shall be notified by letter or in person. The public may be notified by ~~a~~ posting notice at the landfill.
- e. The owner or operator ~~of the landfill~~ shall ~~undertake~~begin closure activities ~~off~~for each landfill or cell, in accordance with the Department-approved closure plan, ~~approved by the Department~~ within 30 days ~~following after~~ final receipt of waste at the landfill, or cell. The Department may grant an extension ~~to~~of the ~~thirty day~~ 30-day ~~deadline~~requirement for beginning closure if ~~it~~the owner or operator ~~can be demonstrated~~s that the landfill or cell will not pose a threat to public health or the environment.
- f. Before ~~undertaking~~ closure activities begin, the Department may require the owner or operator ~~of the landfill~~ to:- install additional fencing or other appropriate structures to limit access, post signs indicating the closure and identifying alternative disposal sites, ~~locations~~; and place all litter and other waste in the landfill or cell.
- g. Following closure of a landfill permitted to accept municipal solid waste, construction and demolition waste, or non-hazardous industrial waste, the owner or operator shall conduct post-closure care for ~~thirty~~30 years or for as long as the Department determines necessary for the landfill or cell. For a monofills, the post-closure care period shall be ~~ten~~10 years or for as long as the Department determines is necessary. Post-closure care shall include, but not be limited to:
 - i. Maintaining the integrity and effectiveness of all final cover, including ~~making~~repairings to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover.
 - ii. Maintaining and operating the leachate-collection system in accordance with ~~the requirements in chapter~~ Section 4.1.5(ii)(u) for ~~a period of thirty~~30 years, for as long as the Department determines necessary for the landfill or cell, or until leachate is no longer generated.
 - iii. Monitoring ~~the~~ groundwater in accordance with ~~the requirements in~~ Section 4.1.6 and maintaining the groundwater-monitoring

system; and

- iv. Maintaining and operating the methane-gas monitoring system in accordance with ~~the requirements in~~ Section 4.1.5(iv).
- h. Following the period described in Section 4.1.5(iii)(g), the owner or operator ~~of a landfill~~ shall conduct any additional post-closure care, including consisting of but not limited to, groundwater ~~monitoring~~ and methane-gas monitoring for ~~the period of time as determined by the~~ Department to protect the public health and welfare, and the environment, and to prevent hazards~~any nuisances~~.
- i. Post-closure use of the landfill property shall not disturb the integrity of the final cover, liner, or any other components of the containment system, or leachate-collection systems, or interfere with the function~~operation~~ of the monitoring systems, unless, upon demonstration to ~~The Department may approve an activity that would cause such a disturbance if~~ by the owner or operator, ~~the Department determines that the activities demonstrates that the activity will not increase the~~ potential threat to public health or that the disturbance is necessary to reduce a threat to public health. The owner or operator shall obtain Department approval ~~from the Department prior to~~ before excavating any closed portion of the landfill or removing any waste, or waste residues, liners or contaminated soils.
- j. Following closure of a landfill or cell, and following completion of post-closure care, ~~of a landfill or cell~~, the owner or operator shall submit ~~to the Department~~ a certification to the Department verifying that closure ~~and~~ or post-closure care, as applicable, ~~has been~~ completed in accordance with the Department-approved closure ~~plan~~ and post-closure plan. The ~~c~~ertification shall be completed by the Department or an independent ~~registered~~ Utah Licensed ~~P~~rofessional ~~E~~ngineer.
- k. **Property Deed Recording.**
 - i. Following final closure of the landfill or cell, the owner or operator shall record a notation on the deed to the landfill property, or some other instrument that is normally examined during a title search, that will in perpetuity notify any potential purchaser of the property's prior ~~of the previous use of the property~~ as a landfill and any ~~use~~-restrictions on the property's use.
 - ii. If the owner or operator, or any subsequent owner or operator of the land ~~upon~~ which a landfill cell is located, wishes to remove wastes, ~~and~~ waste residues, ~~the~~ a liner ~~(if any)~~, or contaminated soils, the owner or operator shall first ~~request from the~~ obtain the Department's approval ~~for such removal~~. The owner or operator may also request permission from the Department to remove or

modify the notation on the deed to the landfill property or other instrument normally examined during title search if all wastes are has been removed and no contamination of groundwater or soil is present.

(iv) **Methane--Monitoring Requirements.**

- a. ~~In~~When monitoring methane concentrations pursuant to Ssections 4.1.5(ii)(w) and 4.1.5(iii)(g) of this Regulation, the owner or operator of a landfill shall ~~gather~~collect and maintain data ~~indicating; identifying~~ levels of the methane concentrations ~~found~~detected in landfill structures and at the landfill boundary; the frequency of monitoring, ~~concentrations;~~ and the type of ~~equipment used to monitoring~~ equipment used ~~concentrations.~~
- b. To comply with the methane--monitoring requirement in Ssections 4.1.5(ii)(w) and 4.1.5(iii)(g) of this Regulation, ~~landfill~~the owners or operators shall determine the type and frequency of methane monitoring ~~according to~~based on the following criteria:
 - i. Soil conditions;
 - ii. ~~The h~~Hydrogeologic conditions surrounding the landfill;
 - iii. ~~The h~~Hydraulic conditions surrounding the landfill; and
 - iv. The locations of landfill structures and property boundaries.
- c. If methane--gas ~~levels~~concentrations exceed 25% of the LEL within any structure or the LEL at the ~~property line~~landfill boundary, the owner or operator shall:
 - i. Immediately take all ~~necessary~~steps necessary to ensure the ~~immediate protection of~~ human health and safety;
 - ii. Immediately notify the Department of the methane--gas ~~levels~~concentrations detected and ~~the any~~ remediation ~~steps~~measures ~~that have already been taken;~~ and
 - iii. Within 14 days, submit an ongoing methane-remediation plan to the Department for approval ~~an ongoing remediation plan for methane gas accumulation.~~ The plan shall describe the nature and extent of the problem and the proposed remedy. ~~The plan shall be~~ owner or operator shall implemented the plan upon Department approval ~~by the Department.~~

4.1.6 **Groundwater and Surface--Water Monitoring Requirements.** If required by this Regulation or by the Department requires the owner or operator of a solid waste management facility to monitor groundwater and/or surface water, the

owner or operator of a solid waste management facility shall:

- (i) ~~File and keep~~ Maintain a current, with the Department an approved Water Monitoring Plan on file with the Department. Once ~~the Department approves by the Department~~ the Water Monitoring Plan, the owner or operator of the solid waste management facility shall comply with ~~theits~~ requirements and incorporated standards, of the Water Monitoring Plan. ~~A~~ The Water Monitoring Plan shall include:
 - a. Proposed methods for well construction. The owner or operator shall obtain of the cConstruction methods approval shall be obtained before well construction begins;
 - b. The name of the person who will to perform water-quality sampling and their proposed sampling frequency, sampling time-period, and sampling methods;
 - c. The name of the laboratory that will to perform sample analysis;
 - d. The types, methods, and procedures of analysis to be performed on water samples;
 - e. A quality-assurance/and quality-control plan for well construction and for groundwater sampling and analysis. The Department shall approve the quality-assurance/ and quality-control plan shall be approved by the Department prior to before the owner or operator obtaining baseline water quality pursuant to Ssection 4.1.6(vi) of this Rregulation;
 - f. The baseline water-quality protection standards obtained pursuant to Ssection 4.1.6(vi) of this Rregulation. The owner or operator shall submit the baseline water-quality data to the Department within 30 days after the baseline is of being determined. The Department shall establish surface and groundwater and surface-water-quality protection standards based upon the baseline water quality and shall incorporate those the water quality protection standards into the solid waste management facility's Water Monitoring Plan;
 - g. A proposed timetable for sampling timetable;
 - h. A pProposed statistical method for determining whether a significant change from baseline water quality has occurred; compared to baseline water quality and
 - i. Any other record or report required by the Department to ensure protect groundwater and surface-water quality.
- (ii) Notify the Department at least 7 seven days prior to constructing on of monitoring wells to facilitate allow the presence of a Department

representative ~~to be present during~~at construction.

- (iii) Install monitoring wells ~~according to~~in accordance with the following specifications:
 - a. Unless otherwise specified elsewhere in this Regulation, the Department shall determine the number of monitoring wells to be installed and the depths of up gradient and down-gradient wells shall be determined by the Department based on on-site terrain features; the types of solid waste to be deposited, treated, or processed; soil types and conditions at the solid waste management facility; hydrogeologic conditions surrounding and beneath the facility; and hydraulic conditions surrounding and beneath the facility, including groundwater depth to and flow rate of groundwater.
 - b. Monitoring wells shall be constructed ~~in such a manner as~~ to prevent contamination of ~~the samples, the~~and sampled strata; and contamination between aquifers and water-bearing strata;
 - c. Monitoring wells shall be cased in a manner that maintains the integrity of ~~the each~~ monitoring-well bore-hole; and This casing must allow the collection of representative groundwater samples; and
 - d. Monitoring wells shall, at a minimum, comply with the construction standards outlined in Utah Administrative Code R655-4-15 ~~shall be met at a minimum when installing monitoring wells at a facility~~.
- (iv) Operate and maintain all monitoring wells and ~~all~~ other devices and equipment used to monitor groundwater and surface water so that they perform in accordance with their ~~to~~ design specifications throughout the entire period of Department-required monitoring.
- (v) Notify the Department at least 7 seven calendar days ~~prior to~~before sampling to ~~facilitate~~allow the presence of a Department representative to be present during sampling and to collect duplicate samples; if the Departments determines that duplicate samples are deemed necessary by the Department.
- (vi) Obtain baseline water quality during the first year after the monitoring wells are installed, unless otherwise approved or required by the Department. Baseline water quality shall be established ~~prior to~~before ~~deposition of waste is deposited in the landfill~~. Baseline water quality and shall be obtained ~~established~~ by analyzing at least ~~minimum of~~ eight independent samples from each upgradient well or upstream surface-water point and four independent samples from each downgradient well or downstream surface-water point for all parameters listed in Appendix A Utah Administrative Code R315-308 of this Regulation and any ~~other~~additional parameters ~~requested~~required by the Department.

- (vii) After ~~background~~baseline constituent levels have been established, the Department ~~will set~~shall establish a ~~surface water and ground-water quality-protection~~ standards ~~that will~~shall become part of the permit.
- (viii) After baseline water quality has been established, sample for ~~the~~ routine parameters listed in ~~Utah Administrative Code R315-308~~Appendix A of this Regulation. The Department may modify this requirement on a case-by-case basis ~~depending~~ based upon the nature of the groundwater, the surface water, or the solid waste management facility ~~by and~~ considerationing of:
 - a. The types, quantities, and concentrations of constituents in solid wastes found at the solid waste management facility;
 - b. For groundwater monitoring only, ~~t~~The mobility, stability, and persistence of solid waste constituents or their reaction products in the unsaturated zone beneath the solid waste management facility, ~~for groundwater only~~;
 - c. The detectability of indicator parameters, solid-waste constituents, and reaction products in ~~the~~ groundwater; and
 - d. ~~The b~~Baseline water-quality values and the coefficients of variation of monitoring parameters or constituents in ~~the~~ groundwater.
- (ix) Conduct groundwater and surface-water sampling and analysis ~~for surface water and groundwater~~ at least twice a year; ~~except construction and demolition landfills may conduct sampling and analysis once a year.~~
- (x) Ensure that samples and measurements taken for ~~the purpose of~~ monitoring purposes are collected and analyzed using the methods in ~~accordance with the method listed in the latest edition of EPA's compendium SW-846 "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium"~~ (SW-846) or other Department-approved methods, ~~and are representative s~~Samples shall be representative and collected in accordance with the quality-assurance/ and quality-control plan approved by the Department.
- (xi) Have a Utah ~~C~~certified Environmental ~~L~~laboratory ~~complete~~ analyze the samples analysis using methods in the latest edition found in of EPA's eCompendium SW-846 "Test Methods for Evaluating Solid Waste," ~~latest edition~~, or other Department approved methods.
- (xii) Determine whether a significant change ~~to~~from baseline water quality has occurred using a statistical method proposed in the landfill's Water Monitoring Plan and approved by the Department. ~~Possible s~~Statistical methods may include:

- a. A parametric analysis of variance (ANOVA) followed by multiple-comparisons procedures to identify statistically significant evidence of contamination. The method ~~must~~shall include estimating~~on~~ and testing ~~of~~ the contrasts between the mean for each downgradient monitoring well's mean and the baseline water-quality mean levels for each constituent;
 - b. A parametric analysis of variance based on ranks followed by multiple-comparisons procedures to identify statistically significant evidence of contamination. The method ~~must~~shall include estimating~~on~~ and testing ~~of~~ the contrasts between the median for each downgradient monitoring well's median and the baseline water-quality median levels for each constituent;
 - c. A ~~t~~Tolerance- or prediction-interval procedure ~~in~~ under which an interval for each constituent is established from the distribution of the baseline data; and the level of each constituent in each monitoring well is compared ~~to~~with the upper tolerance or prediction limit;
 - d. A control-chart approach that ~~gives~~establishes control limits for each constituent; or
 - e. Any~~Other~~ Department-approved statistical testing methods.
- (xiii) If the concentration of any of the parameters listed in Utah Administrative Code R315-308~~Appendix A of this Regulation~~ at any time statistically exceeds the established baseline level~~parameters~~, the owner or operator shall take the following actions:
- a. Within 14 days ~~of receipt of~~after receiving the sample-analysis results, notify the Department ~~of this finding~~ in writing and record the information in the operating record. The ~~notification~~notice shall ~~indicate~~identify what the parameters or constituents ~~have shown for~~ which statistically significant changes were detected; ~~and~~
 - b. Immediately resample the surface water or groundwater in all monitoring wells, both upgradient and downgradient, or in a subset of wells specified by the Department; The owner or operator shall determine the concentrations of all constituents listed in Utah Administrative Code R315-308~~Appendix A of this Regulation~~ and any additional constituents that may have been identified in the Water Monitoring Plan, and whether there is a statistically significant change has caused an ~~such that the~~ established groundwater- or surface-water-quality protection level~~standard~~ has been to be exceeded, and notify the Department in writing within 7~~seven~~ days ~~of receipt~~after receiving of the sample-analysis results; ~~and~~
 - c. The owner or operator may demonstrate that a source other than the solid waste management facility caused the contamination or that the

statistically significant change resulted from error in sampling, analysis, or statistical evaluation, or from natural variation in groundwater or surface-water quality. A report documenting ~~this~~the demonstration shall be certified by a Department-approved groundwater scientist and ~~entered~~placed in the operating record. If ~~at the owner or operator~~ successfully makes demonstration is made and ~~documented the demonstration~~, the owner or operator may continue monitoring as specified in Ssection 4.1.6(viii).

- (xiv) If the owner or operator does not make a successful demonstration, after 90 days, a successful demonstration as allowed in under Ssection 4.1.6(xiii)(c) within 90 days, the owner or operator shall is not made initiate an assessment-monitoring program ~~required~~ as follows:
- a. ~~Take~~Collect one sample from each down-gradient well or downstream surface-water point and analyze each sample for all constituents listed in Utah Administrative Code R315-308, ~~Solid Waste Permitting and Management Rules~~.
 - b. For ~~any~~each constituent ~~detected from the constituents~~ listed in Utah Administrative Code R315-308 ~~that is detected~~, ~~Solid and Hazardous Waste Permitting and Management Rules~~ in ~~the~~a downgradient wells or downstream surface-water point, collect and analyze at least minimum of four independent samples from each upgradient well or upstream surface-water point and four independent samples from each downgradient well or downstream surface-water point shall be collected and analyzed to establish baseline water quality for thethat constituents; ~~and~~
 - c. Within 14 days ~~of the receipt~~after receiving ~~of the results of the sample-analysis results of the samples~~, notify the Department in writing identifying the constituents listed in Utah Administrative Code R315-308 ~~that were detected~~, ~~Solid and Hazardous Waste Permitting and Management Rules~~ and their concentrations, ~~that have been detected as well as and their~~ baseline levels, and record the data in the operating record. The Department shall establish a groundwater- or surface-water-quality protection standard pursuant to Ssection 4.1.6(vi) for ~~any~~each constituents listed in Utah Administrative Code R315-308, ~~Solid and Hazardous Waste Permitting and Management Rules~~ detected in ~~the~~a downgradient wells or downstream surface-water point;
 - d. Thereafter, ~~t~~The owner or operator shall ~~thereafter~~ resample:
 - i. All wells ~~or~~and surface-water point~~son~~ a quarterly basis for all constituents listed in Utah Administrative Code R315-308~~Appendix A of this Regulation~~, or an alternative list ~~that may have been approved and incorporated into the facility's w~~Water m~~Monitoring p~~Plan, and for those ~~each detected~~ constituents

~~detected from the constituents listed in Utah Administrative Code R315-308, Solid and Hazardous Waste Permitting and Management Rules; and~~

- ii. ~~The~~All downgradient wells or surface-water points ~~on an annually basis for all constituents listed in Utah Administrative Code R315-308, Solid and Hazardous Waste Permitting and Management Rules.~~
- e. If after two consecutive sampling events, the concentrations of all constituents ~~being analyzed pursuant to Section~~in chapter 4.1.6(xiv) d. are ~~shown to be~~ at or below established baseline values, the ~~solid waste management facility owner or operator shall notify the Department. Upon Department approval, of this finding and may, upon approval, the owner or operator may return to the monitoring schedule and constituents as specified in Section~~subparts 4.1.6(viii)- and (ix).
- (xv) If one or more constituents ~~from listed in Utah Administrative Code R315-308 Appendix A of this Regulation or an approved alternative list, or from those~~any detected from the constituents listed in Utah Administrative Code R315-308, Solid and Hazardous Waste Permitting and Management Rules are detected ~~as~~ statistically significant levels above the groundwater- or surface-water-quality protection standard as established pursuant to Section 4.1.6(vi), the owner or operator shall in any sampling event, take the following actions:
 - a. Within 14 days ~~of the receipt after receiving of this finding,~~ notify the Department in writing of the identified ~~the~~each constituents and concentrations that ~~have exceeded the groundwater- or surface-water-quality protection standard. Within the same time period, the solid waste management facility owner or operator shall also notify the Department that the groundwater or surface water quality standard has been exceeded and record the data in the operating record;~~
 - b. Characterize the nature and extent of the release by installing additional monitoring wells or designating additional surface water monitoring points as necessary;
 - c. Install at least one additional monitoring well, ~~or designate at least or sample one additional surface-water-monitoring point,~~ at the facility boundary in the direction of contaminant migration and analyze samples this from the well or monitoring point and analyze the sample for the constituents listed in Utah Administrative Code R315-308 Appendix A or the approved alternative list and the detected constituents listed in Utah Administrative Code R315-308, Solid and Hazardous Waste Permitting and Management Rules; and
 - d. Notify ~~all~~each persons who owns or resides on the land or reside on the land that directly overlies any partportion of the contamination

~~plume of contamination if sampling conducted~~ contaminants have migrated off-site as indicated by sampling of wells or surface water points in accordance with ~~pursuant to~~ Ssections 4.1.6(xiv)(b)- and (c) indicates that contaminants have migrated off-site; and

- e. ~~The solid waste management facility~~ owner or operator may demonstrate that a source other than the solid waste management facility caused the contamination or that the statistically significant change resulted from an error in sampling, analysis, or statistical evaluation; or from natural variation in ground-water or surface water quality. A report documenting this demonstration shall be certified by a qualified groundwater scientist and entered in the operating record. If a successful demonstration is made, documented and approved, the owner or operator may continue monitoring as specified in Ssections 4.1.6(viii)- and (ix); when applicable.
- (xvi) ~~If, within 90 days, the owner or operator does not make a successful demonstration as stated in under Section~~ chapter 4.1.6(xv)(e) within 90 days, the owner or operator shall ~~is not made, take the following actions:~~
 - a. ~~Continue to monitoring~~ as required in by Section ~~chapter 4.1.6(xiv)(d).~~
 - b. Take any interim measures as required by the Department or as necessary to ~~ensure the protection~~ protect of human health and the environment; ~~and~~
 - c. Assess ~~possible~~ potential corrective--action measures appropriate for the current conditions and circumstances of the solid waste management facility.; The assessment shall ~~addressing~~ at least: ~~the following:~~
 - i. The performance, reliability, ease of implementation, and potential impacts of ~~each~~ appropriate potential remedies, including safety impacts, cross-media impacts, and control exposure to ~~any~~-residual contamination;
 - ii. The tTime required to begin and complete ~~the~~ each remedy;
 - iii. The costs of ~~remedy-implementation~~ each remedy; and
 - iv. Public--health or environmental requirements that may substantially affect implementation of ~~the~~ each remedy; and
 - v. ~~Prior to the~~ Before selecting ~~on~~ of a remedy, discuss the results of the corrective--measures assessment ~~in~~ at a public meeting with interested and affected persons ~~parties~~.
 - d. Based on the results of the corrective--measures assessment ~~conducted~~ and the comments received ~~in~~ at the public meeting, the owner or

operator shall select a remedy ~~which shall be~~and submitted to the Department.

i. The corrective action remedy shall:

1. ~~Be protective of~~Protect human health and the environment;
2. Use permanent solutions that are within the capabilitiesiesy of best available technology;
3. Attain the established groundwater_ or surface_ water_ quality standard;
4. Control the sources of release ~~so as~~ to reduce or eliminate, to the maximum extent practicable, further releases of contaminants into the environment that may ~~pose a threaten~~to human health or the environment; and
5. Be approved by the Department.

ii. Within 14 days after ~~the selecting on~~ of the remedy, the owner or operator shall submit a report to the Department for approval describing the selected remedy and any amendments, ~~along together with an implementation schedule of implementation and estimated time of completion date.~~

(xvii) Upon ~~approving al~~ of the selected corrective_ action remedy, the Department shall notify the owner or operator ~~of such approval~~ and require implementation of that the corrective_ action plan ~~proceed in accordanceing with~~ the approved schedule.

a. The Department may also require closure of the solid waste management facility ~~closure~~ if the groundwater_ or surface_ water_ quality protection standard is exceeded, ~~and, i~~ In addition, the Department may revoke any the facility's permit and require the owner or operator to reapply for a permit~~reapplication.~~

b. Based on information developed after implementation of the corrective-action plan, ~~t~~The Department or the owner or operator may determine, ~~based on information developed after implementation of the corrective action plan,~~ that the selected remedy is not achieving compliance with the requirements of Section 4.1.6(xvi)(d)(i) ~~is not being achieved through the remedy selected.~~ In that events such cases, the owner or operator shall implement other approved methods or techniques that could practicably achieve compliance ~~with the requirements.~~

c. Upon completion of the remedy, the owner or operator shall notify the Department. The ~~notice~~notification shall ~~contain~~include a certification

signed by the owner or operator and a qualified environmental scientist stating that the concentrations of contaminant constituents ~~has been~~ have remained reduced to levels below the applicable specified limits of the groundwater- or surface-water-quality protection standards for a period of three years or for an alternative length of time period specified by the Department. Upon Department approval, the owner or operator shall:

- i. Terminate corrective action measures; and
 - ii. Continue detection monitoring as required by Sections ~~subparts~~ 4.1.6(viii) and (ix).
- (xviii) After receiving ~~Upon Department~~ approval from the Department and approval from any applicable sState and/or fFederal permitting agency ~~for to closure of a the~~ solid waste management facility, the owner or operator ~~of said facility~~ shall submit plans for abandoning~~ment~~ of all monitoring wells for which the facility owner is responsible. Monitoring wWells shall ~~abandonedment shall be conducted~~ in accordance with Utah Administrative Code R655-4-14, Abandonment of Wells. The owner or operator of said facility shall also provide the Department with ~~copies to the Department~~ of all well-~~abandonment~~ reports, plans, and other documentation associated with abandonment of the facility's monitoring wells ~~abandonment~~.

4.2 Haulers.

4.2.1 Permit Requirements and Approval Process.

- (i) **Permits.** ~~No~~A person shall not operate as a hauler without obtaining a valid permit issued by the Department in accordance with the requirements set out in section 4.2.1 of this Regulation ~~this section~~.
- a. **Waste Hauler Permit.** A Waste Hauler Permit is required for a hauler who hauls non-liquid, non-infectious solid waste-; non-infectious liquid waste; or hauls fifty or more pounds of infectious medical waste per month.
- i. Infectious medical waste must be managed, stored, transported, and treated in accordance with the requirements set out in Section 4.2.12 of this Regulation.
- b. **Waste Tire Hauler Permit.** A Waste Tire Hauler Permit is required for a hauler who hauls waste tires.
- e. ~~Liquid Waste Hauler Permit. A Liquid Waste Hauler Permit is required for a hauler who hauls non-infectious liquid waste.~~

- d. ~~Infectious Medical Waste Hauler Permit. An Infectious Medical Waste Hauler Permit is required for a hauler who hauls fifty or more pounds of infectious medical waste per month.~~
- (ii) **Exempt Haulers.** The following haulers and persons are exempt from the permit and insurance requirements of Section 4.2.1 of this Regulation and the fee requirements of Section 5 of this Regulation.
- a. ~~A person who transports only construction and demolition waste that is generated from the operation of their business.~~
 - a. A person who transports asbestos waste and is a properly licensed and permitted as an asbestos contractor.
 - b. A person who hauls 10 or fewer waste tires per month.
 - c. A home healthcare agency that transports ~~less~~fewer than 25 pounds of infectious medical waste in a calendar month to a central location for pick-up and disposal by a permitted infectious medical waste hauler or to a permitted infectious medical waste facility.
 - d. Mobile cleaners.

(iii) **Permit Application, and Insurance Coverage.**

- a. Approved Form. ~~An a~~An Application for a permit to operate as a hauler shall be submitted on ~~the a~~a Department-~~approved~~ form.
- b. Fees. ~~To be approved for obtain~~To be approved for obtain a permit to operate as a hauler ~~required under Section 4.2.1(i) of this Regulation~~, an applicant shall submit the applicable application fee ~~required in by Section 5.2.1 of this Regulation~~ and the Department's Fee Schedule.
- c. Safety Plan. ~~An a~~An Applicants for a permit to operate as a hauler shall ~~also submit~~submit a written safety plan in accordance with Section 4.2.10 of this Regulation.
- d. Vehicle Inspection. Upon applying for a permit application, ~~an applicants for a permit to operate as a hauler shall make available to the Department for inspection each vehicle used for solid, liquid, or infectious-waste collection available for inspection by the Department by the hauler for solid, liquid or infectious waste collection.~~ As part of the vehicle inspection, the hauler applicant shall provide the following information:
 - i. The vehicle identification number, make, model, year, and license plate number ~~for of~~for each vehicle they used for waste collection; ~~and~~
and

- ii. The names and addresses of all locations ~~the hauler uses~~ for ~~disposal of waste~~ disposal.
- e. **Insurance Coverage.** Upon applying for a permit application to operate as a waste hauler, ~~an applicants for a permit to operate as a hauler~~ shall provide documentation to the Department indicating that the hauler has obtained the following minimum insurance coverage:
- i. A used oil liquid waste hauler shall obtain waste hauler pollution liability insurance or environmental pollution legal liability coverage for bodily injury and property damage to third parties ~~covering arising from~~ sudden accidental releases of used oil from its vehicles and other equipment and containers used during transit, loading and unloading. ~~The hauler and~~ shall maintain ~~this the~~ coverage for the duration of the permit or until released by the Department. The minimum amount of coverage on an occurrence form shall be \$1,000,000 per occurrence with a \$2,000,000 general policy aggregate.
 - ii. ~~All~~Each haulers shall obtain commercial automobile liability insurance ~~that provides covering~~ age for owned, hired, and non-owned automobiles, in the minimum amount of \$1,000,000 per occurrence.
 - iii. ~~All~~Each haulers, shall obtain commercial general liability insurance on an occurrence form in the minimum amount of \$1,000,000 per occurrence with a \$2,000,000 general policy aggregate.
 - iv. Each required insurance policy~~All policies of insurance~~ shall be issued by an insurance companies licensed to do business in the State of Utah and either currently rated A- or better by A.M. Best Company; or listed in the United States' Treasury Department's current Listing of Approved Sureties (Department Circular 570), as amended.
 - v. ~~The a~~Applicant shall furnish certificates of insurance and any required waste-hauler pollution liability endorsement, in a form acceptable to the Department, verifying the foregoing matters upon receipt of permit and thereafter as required by the Department.
 - vi. ~~In the event~~If any work is subcontracted, ~~the a~~Applicant shall require ~~it~~each subcontractor to ~~secure~~obtain and maintain ~~all the~~ minimum insurance coverages required of the ~~A~~applicant hereunder this section.
 - vii. ~~All~~Each required ~~certificates and policyies and certificate of insurance~~ shall provide that coverage ~~thereunder shall will~~ not be canceled or modified without ~~providing~~ 30 days' prior written

notice to the Department in a manner approved by the Salt Lake County District Attorney.

4.2.2 Upon Department approval of the permit application and written safety plan, ~~passages~~successful completion of the vehicle inspection, and submission of proof of adequate liability coverage, the Department shall issue the following documents to the Waste Hauler Applicant:

- (i) An inspection report signed by the Department stating that the vehicle identified ~~by~~in the report has passed inspection; and
- ~~(ii) Two permit stickers that shall be placed on the vehicle by the Department to identify the vehicle as having been inspected for the current year. Such stickers shall not be removed, except by the Department, so long as the vehicle is used for hauling; and~~
- (ii) A receipt showing payment of the permit fee.

4.2.3 **Vehicle Construction.** Each vehicle ~~to be~~ used by a hauler in the collection or transportation of solid waste shall meet the following requirements:

- (i) The vehicle body shall be clean, easily cleanable, and in good condition and repair;
- (ii) The vehicle body shall be lined with steel and welded at all seams or constructed of other materials approved by the Department;
- (iii) The size capacity of the vehicle body or tank shall be certified by the manufacturer or a size-certification company approved by the Department;
- (iv) The vehicle shall be easily loaded and emptied;
- (v) The vehicle's tailgate or hopper ~~of the vehicle~~ shall be constructed to prevent ~~so the its contents of the body will not~~ from spilling or blowing from the vehicle while it is in motion;
- (vi) A heavy-duty canvas or other acceptable heavy-duty cover ~~that is adequate in~~ of sufficient size to cover the open body of the vehicle shall accompany the vehicle;
- (vii) Each vehicle operated under a Waste Hauler Permit as outlined in Section 4.2.1(i)(a) shall be equipped with a fire extinguisher;
- (viii) The name and telephone number of the ~~person~~vehicle's owner ~~ing and the vehicle and the size capacity of the vehicle body or tank of the truck body or tank~~ shall be permanently affixed on the body in legible letters and numbers ~~that are legible and are~~ at least 3 three inches high;

- (ix) All equipment attached to a vehicle hauling liquid or hazardous waste, including, but not limited to, pumps, hoses, valves, ~~and the containers, and~~ ~~or tanks or both~~ used to contain or pump the waste, shall be maintained in a water-tight condition and in good repair; and
- (x) The vehicle shall comply with all applicable air pollution and noise control ordinances and regulations.

4.2.4 Vehicle Maintenance.

- (i) All equipment used ~~for the~~ ~~to~~ collection and transportation of solid waste shall be maintained in good condition and cleaned ~~with~~ at a frequency and by a method approved by the Department to prevent the propagation or attraction of flies, rodents, or other vectors and ~~prevent~~ the creation of a health hazard ~~nuisance~~. ~~The cleaning of~~ Equipment used for the collection and transportation of solid waste, including all vehicles, shall be ~~done~~ cleaned in compliance accordance with the requirements of the Utah Water Quality Act.
- (ii) A collection vehicle that fails to meet the requirements of this Rregulation shall not be used to collect or transport solid waste until ~~such~~ repairs are have been made that bring the vehicle into compliance with this ~~Rregulation~~. If the required repairs are not made, the permit issued for the vehicle shall be revoked pursuant to Section 5.56 ~~of this Rregulation~~.

4.2.5 Vehicles To Be Used Only for Permitted Purposes ~~Use Only~~. A ~~s~~Solid waste collection ~~and~~ or transportation vehicle shall be used to collect and transport only the types of solid waste for which ~~they were~~ the vehicle was designed and approved by the Department when the permit was issued.

4.2.6 Collection and Transportation of Solid Waste. Each hauler shall be responsible for the satisfactory collection and transportation of ~~all~~ solid waste to a solid waste management facility; or to another facility permitted by the State of Utah or ~~by the United States of America~~. ~~Such~~ Each receiving facility ~~ies~~ shall be ~~approved~~ authorized to receive such waste and approved by the Department. ~~No~~ A hauler shall not:

- (i) Allow ~~any~~ vehicle loaded with solid waste to remain standing ~~upon~~ any premises, street, road, or highway ~~any~~ longer than necessary for loading and ~~transportation~~ ing, except that solid waste may remain in the vehicle for a longer period ~~of time~~ induring an emergency, ~~including such as~~ severe weather ~~conditions~~, equipment ~~failure~~ breakdown, or an accident;:-
- (ii) Collect, haul, or transport ~~any~~ solid waste in an open container for a distance of five blocks or more without making a waste-~~collection~~ stop, unless the waste is ~~covered~~ completely covered or secured to prevent littering or discharge;:-

- (iii) Operate ~~any~~ vehicle used for ~~the~~ to collection and transportation of solid waste in a ~~way~~ manner that ~~allows its~~ the contents to be discharged from the vehicle. If a discharge occurs during collection or transportation, the hauler shall immediately material shall be picked up immediately by the hauler the discharged material, and returned it to the vehicle, and properly clean the affected area shall be properly cleaned;
- (iv) Collect, haul, or transport ~~any~~ solid waste, except in a sanitary container in a or vehicle especially constructed for that purpose and operated under ~~with a valid permit from the Department permit;~~ or
- (v) Collect unauthorized solid waste or solid waste that is smoldering, smoking, or burning.

4.2.7 **Container Construction, Maintenance, and Placement Requirements.**

- (i) Containers shall be constructed of metal, durable plastic, or rubber. Metal containers shall be painted to prevent rust and corrosion.
- (ii) ~~Containers shall have on the front or side,~~ The name and telephone number of the hauler shall be legibly printed on the front or side of each container in letters at least one inch high. Containers provided to dwellings as part of a municipality-wide service may instead use an identification code.
- (iii) Containers shall be ~~outfitted~~ equipped with tight-fitting lids or other covers approved by the Department.
- (iv) Containers used for materials other than liquid waste shall be constructed with wide necks and ~~mouths~~ openings and tapered sides to prevent clogging and littering ~~if containers are~~ when emptied manually.
- (v) Containers shall be maintained in a clean condition and in good repair, including repainting ~~if~~ as necessary to prevent rust and corrosion. If the hauler furnishes containers, the hauler shall be responsible for maintaining ~~them~~ containers in a clean condition and good repair ~~condition~~. The hauler shall have ~~the proper~~ appropriate facilities and equipment to clean and repair the waste containers ~~provided or the hauler shall have working arrangements with for another a person who~~ to provides ~~those~~ that services. The hauler shall ~~plan and work~~ coordinate with the property owner, or occupant, or both ~~for~~ regarding placement of the ~~storage~~ containers to minimize traffic or other hazards ~~and the prevention of a nuisances~~. Containers shall be placed in ~~locations~~ areas least offensive to adjoining properties and shall not be placed ~~or located~~ on a parking strip, except ~~for~~ on the day of collection, or stored within 3 three feet of an adjoining property line.
- (vi) Containers emptied by machinery shall be designed and constructed ~~so in a way~~ that they can be emptied without the hauler coming into physical

contact with the solid waste.

(vii) Containers shall be emptied weekly or at another interval approved by the Department.

(viii) ~~A c~~Containers ~~that does not meeting~~ these requirements shall not be used without ~~approval from the Department~~ approval.

4.2.8 **Unloading Solid Waste.** ~~A h~~Haulers shall ~~only-unload~~ only at a solid waste management facility. All unloading shall ~~be in accordance with the requirements of the solid waste management~~ comply with the facility's Department-approved plans and specifications.

4.2.9 **Record Keeping and Reporting.** ~~Upon~~At the request ~~of~~by the Department, a hauler shall report ~~to the Department~~ the names and addresses of all ~~places of businesses or~~ persons wherefrom whom the hauler ~~collects~~ collection of solid waste ~~is made~~ and all locations where ~~such~~the waste is hauled and deposited. The report shall be prepared in the format required by the Department.

4.2.10 **Safety Plan and Training.** Each hauler shall ~~have~~maintain a written safety plan for the collection, transportation, and disposal of solid waste. Each hauler shall ensure that its personal are ~~be~~ trained in ~~each part of the applicable parts of the safety plan prior to the~~ before ~~collecting~~ on, ~~transporting~~ on, or ~~disposing~~ of solid waste ~~and prior to the~~ or ~~operating~~ on of the a collection or transportation vehicle. The safety plan and training shall include ~~the following parts:~~

(i) The proper operation and safety features of the solid waste collection vehicles;

(ii) ~~The p~~Proper methods ~~of~~for collecting, transporting, and unloading solid waste;

(iii) ~~Requirements for~~ governing the collection, transportation, and disposal of solid waste, including the prohibited acts ~~listed in~~ under this Regulation relating to ~~the collection, transport, and disposal of solid waste. The regulatory and~~ requirements ~~pertaining~~ applicable to the ~~each~~ type of solid waste ~~that the hauler operator~~ is permitted to collect and transport;

(iv) A description and understanding of the characteristics of the solid waste ~~and its hazardous properties~~ being hauled; and

(v) ~~The p~~Procedures ~~that must~~ to be followed if:

a. Actual or potential injury results from contact with solid waste;

b. ~~Spillage of s~~ Solid waste is spilled ~~occurs~~ during collection or transportation, including procedures for containment, cleanup, decontamination, and Department notification;

- c. Hot or burning solid waste loads ~~are~~is encountered; or
- d. Unauthorized waste material is deposited in ~~the~~ containers to be collected;

(vi) ~~A description of additional p~~Procedures to for preventing and responding to address emergencies, including:

- a. ~~The s~~Selection and use of safety clothing and equipment; to be used by personnel and
- b. Methods of emergency communication.

4.2.11 Additional Requirements Pertaining to Waste Tire Haulers. The waste tire hauler shall prepare the record in triplicate and shall provide one copy to the waste tire generator upon collection and one copy to the landfill or processing facility upon delivery. The waste tire hauler shall retain the third copy for at least five years and provide it to the Department upon request. A waste tire hauler shall maintain a record for each waste tire generator that identifies:

- (i) The number of waste tires collected;
- (ii) The date of collection;
- (iii) The solid waste management facility where the hauler delivered the waste tires; and
- (iv) The date of delivery.
- ~~(v) Waste tire haulers shall keep an accurate record of the number of waste tires collected and the date the waste tires were collected. Records shall be kept for each individual waste tire generator and the location of the solid waste management facility and dates the waste tires were disposed. Records shall be made in triplicate copies with one copy provided to the waste tire generator, one copy provided to the landfill or processing facility, and one copy kept by the hauler and provided to the Department upon request. Records shall be retained by the waste tire haulers for a minimum of five years.~~
- ~~(vi) A copy of the waste tire hauler records required by section 4.2.9 shall be provided to the generator upon waste tire collection; to the solid waste management facility upon unloading; and to the Department upon request. Records shall be retained by the waste tire hauler for at least five years.~~

4.2.12 Additional Requirements Pertaining to Mobile Cleaners

- ~~(i) In addition to vehicles, all trailers and wastewater containers shall be inspected by the Department prior to issuance of a permit to a mobile cleaner.~~

- ~~(ii) The mobile cleaner applying for a permit shall provide the following:~~
 - ~~a. A guidance document with Best Management Practices (BMPs) for the containment, collection and disposal of waste and wastewater generated by mobile cleaner. BMPs may include but are not limited to, the following:~~
 - ~~i. Sweeping and properly disposing of all trash, debris, and dirt prior to washing;~~
 - ~~ii. Applying and properly disposing of absorbent clay or a similar material used on any accumulations of oil and grease.~~
 - ~~iii. Utilizing containment devices to prevent an illegal discharge to the storm drain system.~~
 - ~~iv. Removing any residual contaminants left behind by the cleaning operation.~~
 - ~~b. A description and the license and registration number of each vehicle, trailer or wastewater container to be used in the mobile cleaner operation;~~
 - ~~c. A list of all sanitary sewer discharge locations and other disposal sites the applicant intends to use with copies of written approval for each site.~~
- ~~(iii) The permit holder shall immediately notify the Department if a vehicle, trailer, or wastewater container registered under the permit is sold or otherwise disposed or if a new vehicle, trailer, or wastewater container is acquired for transport of cleaning equipment or wastewater.~~

4.2.12 Additional Requirements Pertaining to Infectious Medical Waste Haulers.

- (i) Each side of ~~the~~ a vehicle used to collect or transport infectious medical waste collection and transportation vehicle shall display ~~be identified with~~ a permanently affixed, ~~and conspicuously displayed~~ rectangular sign or decal measuring at least 9.8 by 13.8 inches. ~~in size with~~ The sign or decal shall have red labeling/lettering on a white background stating “INFECTIOUS WASTE” or “BIOHAZARD” and shall include ~~accompanied by~~ the international biohazard symbol. ~~All~~ Each vehicles hauling more than 25 pounds of infectious medical waste shall ~~have~~ properly display the required signage.
- (ii) Infectious medical waste ~~may~~ shall be transported only to a solid waste management facility approved to process or dispose of infectious medical waste.

- (iii) Infectious medical waste shall be transported in a leak-proof, fully enclosed container or vehicle compartment.
- (iv) Infectious medical waste shall not be transported in the same vehicle ~~with~~as other solid waste unless the infectious medical waste is separately contained in rigid reusable containers; ~~kept separate by barriers separate the infectious medical waste from the other waste;~~ or ~~unless all the waste in the vehicle will~~ is to be treated or disposed of as infectious medical waste in accordance with this Regulation.
- (v) Infectious medical waste shall not be unloaded and reloaded or transferred to another vehicle unless the Department has approved the loading and unloading ~~has been approved by the Department~~ or the unloadingtransfer occurs ~~is done~~ at an infectious medical waste transfer station permitted under Section 4.1.1(i)(a)(v) of this Regulation. ~~Such~~The facility shall keep the infectious medical waste in a secured area separate from other wastes. If the facility stores the infectious medical waste ~~is to be stored for longer~~more than three hours ~~following~~after unloading, at the facility, ~~such~~shall ~~storage~~ it~~shall be~~ in a refrigerated unit capable of ~~cooling and~~ maintaining the medical waste at or below ~~a temperature of 32 degrees Fahrenheit.~~
- (vi) An employers whose employees of persons engaged in manually loading ~~and/or unloading~~ containers of infectious medical waste onto or from transport vehicles shall provide and require the ~~wearing~~use of protective gloves, coveralls, and, ~~if~~when necessary, face shields and respirators. Soiled protective clothing shall be decontaminated or properly disposed of in accordance with Section 4.3 of this Regulation.
- (vii) Any surfaces of a transport vehicles that ~~have comes~~ into contact with infectious medical waste shall be decontaminated.

4.3 Additional Requirements Regarding for the Storage, Treatment, and Disposal of Infectious Medical Waste. The requirements of Sections 4.3.1 through 4.3.3 shall apply to all persons ~~that~~who process, or dispose of ~~or generate~~ infectious medical waste.

4.3.1 Infectious Medical Waste Storage and Containment

- (i) Infectious medical waste shall be contained in a manner that prevents unsupervised or unauthorized access to the material.
- (ii) Home healthcare agencies that performing medical procedures for residents shall ~~take~~transport all infectious medical waste generated by ~~these~~those procedures to a central location for pick-up and disposal by a permitted infectious medical waste hauler or to a permitted infectious medical waste facility.

- (iii) Infectious medical waste containers shall be leak-proof, have tight-fitting covers, and be kept clean and in good repair.
- (iv) Infectious medical waste shall be stored in a manner that prevents ~~it~~ from providing a breeding place or food source for insects, rodents, or other vectors ~~nor shall it cause any other nuisance or~~ and from creating a public-health hazard. ~~All~~ Containers of infectious medical waste shall be stored in a manner that minimizes odors and ~~is~~ shall not be stored in or near patient areas or food-storage or food-preparation areas.
- (v) Medical sharps capable of causing a skin puncture, including but not limited to, syringes and needles, ~~capable of causing skin puncture~~ shall be contained for disposal as infectious medical waste in puncture-resistant containers made of metal or rigid plastic ~~puncture-resistant containers, equipped with~~ that have tight-fitting lids, are completely enclosed, and ~~capable of preventing~~ contact and spillage.
- (vi) Infectious medical waste, ~~except other than~~ for sharps capable of puncturing or cutting, shall be contained in disposable plastic bags that are impervious to moisture and that have a minimum thickness of 3.0 mils, or equivalent tensile strength. The bags and containers shall be securely tied or sealed to prevent leakage during storage, handling, or transportation.
- (vii) All bags and containers used ~~for~~ to containment and disposal of infectious medical waste shall be red ~~in color~~ or, if another color, conspicuously labeled with the words "INFECTIOUS WASTE," the word "BIOHAZARD," or ~~with~~ the international infectious waste symbol.
- (viii) ~~Each~~ Areas in which infectious medical waste is stored shall be labeled with the words "INFECTIOUS WASTE," the "BIOHAZARD," or ~~with~~ the international infectious waste symbol.
- (ix) ~~All~~ Each generators of infectious medical waste shall ~~have~~ maintain a written plan and provide ~~for it to its~~ their employees. ~~a written plan that includes: The plan shall describe the types of infectious medical waste handled by the generator as infectious medical waste; the generator's treatment, storage, and disposal procedures employed by the generator; the procedures to be followed if any person comes into contact with infectious medical waste; and the safety procedures all employees will must follow related to when handling infectious medical waste. The generator shall plan shall be kept keep the plan on file and make it available to the Department upon request, and tThe Department may verify that all employees are have been properly trained. The employer shall review and update the plan annually or more often if frequently when necessary.~~
- (x) Reusable pails, drums, dumpsters, or bins used ~~for~~ to containment of infectious medical waste shall not be ~~otherwise used~~ for another purpose unless properly decontaminated ~~as per~~ in accordance with Ssection 4.3.2 of this Regulation.

- (xi) Infectious medical waste contained in disposable containers shall be placed for storage in disposable or reusable pails, cartons, drums, dumpsters, or portable bins.

4.3.2 Decontamination of Reusable Containers. After being emptied and before each reuse, Surfaces of reusable storage containers contaminated by infectious medical waste shall be thoroughly washed and decontaminated after being emptied and before each reuse by one of the following methods:

- (i) ~~By e~~Exposure to hot water at a temperature of at least 180 degrees Fahrenheit (82 degrees Celsius) for a minimum of at least 15 seconds; or
- (ii) ~~By exposure to a chemical sanitizer by r~~Rinsing with or immersion in one of the following chemical sanitizing solutions for at least minimum of three minutes:
 - a. A hHypochlorite solution (containing 500 milligrams per liter of available chlorine);
 - b. A pPhenol solution (containing 500 milligrams per liter of active agent);
 - c. An iIodoform solution (containing 100 milligrams per liter of available iodine);
 - d. A qQuaternary ammonium solution (containing 400 milligrams per liter of active agent); or
- (iii) ~~Θ~~Another methods approved by the Department.

4.3.3 Processing, Treatment, and Disposal of Infectious Medical Waste.

- (i) A gGrinders shall not be used to process infectious medical waste until ~~after the waste has been rendered non-infectious. Infectious medical waste contained in bags or other disposal containers shall not be subject to compacted~~ion by any compacting device and shall not be or placed in a portable or mobile trash compactor for storage or transportation.
- (ii) Unless landfilling is the only available alternative, infectious medical wastes consisting of recognizable human anatomical remains ~~and or fetal remains shall be disposed of by incineration, at a cremationery, or interment at in a cemetery.~~
- (iii) Unless otherwise approved by the Department, ~~treatment of infectious medical waste shall be treated~~ by one of the following methods:
 - a. By incineration in a controlled-air multi-chambered incinerator that meets, at a minimum, the Air Quality standards and residence times

established by the State of Utah and ~~that~~ provides complete combustion of the waste into carbonized or mineralized ash. Listed or characteristic hazardous wastes shall not be incinerated in an infectious medical waste incinerator unless such incinerator is also permitted as a hazardous waste incinerator. Radioactive waste shall only be disposed of at a facility approved for radioactive-waste disposal. Infectious medical waste ash may be disposed of as non-infectious solid waste ~~provided if the ash is not otherwise non-~~hazardous.

- b. ~~By h~~Heat sterilization in a steam sterilizer or ~~by another~~ sterilization technique approved by the Department that renders the waste non-infectious. Minimum operating procedures for steam sterilizers shall include:
 - i. ~~Adoption of standard~~Maintaining written operating procedures for each steam sterilizer ~~including that address~~ time, temperature, pressure, types of waste, ~~type of and~~ containers, ~~closure on~~ containers ~~closures, pattern of loading pattern,~~ water content, and maximum load quantities;
 - ii. ~~Attainment of~~ a temperature of 250 degrees Fahrenheit (121 degrees Celsius) for at least 30 minutes, one-half hour or longer, depending on the quantity and compaction of the load, ~~in order to achieve to sterilization~~ of the entire load. ~~A check of r~~Recording and/or indicating thermometers shall be ~~checked~~made during each complete cycle to ensure that the required temperature is ~~attained~~ment. Thermometers shall be calibrated at least annually ~~and or more frequently if when necessary needed;~~
 - iii. ~~Use of~~ Applying heat-sensitive tape or another device ~~for to~~ each container ~~that is processed to indicate the attainment of to verify~~ adequate sterilization ~~conditions occurred;~~ and
 - iv. ~~Use of~~ Placing the biological indicator, *Bacillus stearothermophilus* placed at the center of a load at least once every 20 cycles, but no less frequently than ~~or once a month, whichever is less, to confirm that the attainment of adequate sterilization conditions occurred.~~
- (iv) Unless otherwise approved by the Department, infectious medical waste shall be disposed of ~~infectious medical waste shall be~~ by one of the following methods:
 - a. ~~By b~~ Burial at a landfill approved to accept infectious medical waste, provided the waste is immediately covered~~buried immediately~~ with cover material or non-infectious solid waste ~~prior to before~~ compaction to prevent contamination of ~~ensure that~~ equipment ~~and or~~ persons ~~are not contaminated by during~~ subsequent compaction and covering

operation.

- b. ~~By~~ Discharge into a sewer system approved by the Department, if the infectious medical waste is liquid and ~~provided the waste will not remain viable in the sewer system.~~

- (v) A tTrash chutes shall not be used to transfer infectious medical waste.

~~4.4 Demolition of Buildings and Structures.~~

~~4.4.1 Demolition Exemptions.~~

- ~~(i) Structures may be exempted from the Department's inspection requirements of section 4.4.2 of this Regulation if the Department determines the structure does not require a pre-demolition inspection. These structures may still require inspection by other regulatory agencies. Structures shall meet the following requirements:~~
 - ~~a. The structure was not built with and does not contain regulated asbestos-containing material (RACM) or other hazardous materials listed in section 4.4.2(i) of this regulation; or~~
 - ~~b. The structure has been declared unsafe to enter by a building department, fire department, or other government agency.~~
- ~~(ii) In the event of a natural disaster that causes the destruction or severe damage of numerous structures within Salt Lake County, the Department may suspend the pre-demolition inspection requirements of section 4.4 of this Regulation.~~

~~4.4.2 Inspection and Removal Prior to Demolition.~~

- ~~(i) No person shall demolish any structure without meeting the following three requirements. First, the building, dwelling or structure shall be inspected by a Department registered pre-demolition building inspector for the following items:~~
 - ~~a. asbestos-containing material (ACM),~~
 - ~~b. mercury thermostats,~~
 - ~~c. mercury-containing lights,~~
 - ~~d. lighting ballasts or transformers containing polychlorinated biphenyls (PCBs),~~
 - ~~e. refrigeration units containing chlorofluorocarbons, and~~

- f. ~~drums or other containers of hazardous or special waste.~~
- (ii) ~~Second, any and all items from the above list identified by the pre-demolition building inspector shall be disposed of at a facility approved to accept such waste for disposal or recycling. Although some ACM may remain during demolition, all RACM must be disposed of in accordance with Utah Administrative Code R307-801, Utah Asbestos Rule.~~
- (iii) ~~Third, the property owner or other person responsible for the structure must provide documentation or other evidence to the pre-demolition building inspector demonstrating that the above listed items were properly disposed of or removed by a contractor licensed to handle these items. The above listed items may also be removed for reuse by the property owner or an approved contractor.~~

4.4.3 **Pre-demolition Inspection Report.**

- (i) ~~Department registered pre-demolition inspectors shall complete a Department approved inspection report form for each structure they inspect and shall give a copy of the completed inspection report to the property owner, or other person responsible for the demolition of the building, and forward a copy of the same report to the Department. Each inspection report shall include the following:~~
 - a. ~~The name and registration (PBI) number of the Department registered pre-demolition building inspector conducting the inspection;~~
 - b. ~~The address of the structure inspected and date of the inspection;~~
 - c. ~~The name, address and telephone number of the property owner, or other person responsible for the demolition of the structure;~~
 - d. ~~The name, address, and phone number of the demolition contractor or demolition permit holder;~~
 - e. ~~An itemized listing which indicates the presence, number, or amount of each item listed in section 4.4.1; and~~
 - f. ~~The name, of the person or contractor responsible for the removal and disposal of the items identified during the inspection and the date of removal or disposal.~~
- (ii) ~~The Department registered pre-demolition inspector shall, in addition to the inspection report, provide the property owner or other person responsible for the demolition of the building, with the names of the approved asbestos analytical laboratories, removal contractors and requirements pertaining to removal, and the names and addresses of approved solid waste management facilities, for each of the items identified in the inspection report.~~

- ~~(iii) If the Department registered pre-demolition building inspector conducts a or follow-up inspection of the structure, prior to demolition, to confirm removal of the items listed in the inspection report, a notation shall be made on the inspection report of the date the follow-up inspection was conducted. This notation shall also include the name of the disposal, recycling, or other approved facility or company where the removed items were taken or were removed by.~~
- ~~(iv) The Department shall approve demolition of a building or structure after receiving the completed inspection report and confirming with the inspector that the items contained in the inspection report have been properly removed and disposed of or recycled.~~
- ~~(v) The Department will maintain a copy of the report for the period of time as authorized by Government Records Access and Management Act (GRAMA) and the Salt Lake County Health Department's Record Retention Schedule.~~

4.4.4 ~~Qualification, Testing, and Registration for Department Registered Pre-demolition Building Inspectors.~~

- ~~(i) Prior to being considered for Department registration, Department registered pre-demolition building inspector applicants shall:~~
 - ~~a. Hold current certification with the State of Utah's Division of Air Quality as a certified asbestos inspector;~~
 - ~~b. Maintain current employment with a State certified asbestos consultant or be State certified as an asbestos consultant if self employed. Applicants that only conduct inspections of buildings owned by their employer and employees of a government regulatory agency conducting pre-demolition inspections for their agency shall be exempt from this requirement but not from the requirement of section 4.4.3(i)(a) above; and~~
 - ~~c. Submit a letter, written by the applicant's employer acknowledging the applicant's employment and authorization as a representative for the company.~~
- ~~(ii) Qualifying applicants shall be required to successfully pass a Department administered written examination. The Department, upon request, shall supply qualified applicants with study information. Applicants shall demonstrate knowledge of:~~
 - ~~a. The regulatory requirements of section 4.4 of this regulation; and~~
 - ~~b. The identification of materials, fixtures, appliances, containers, and other items requiring removal from buildings prior to demolition and~~

~~the identification of their associated hazardous constituents and the proper disposal or recycling requirements for the identified hazardous constituents.~~

- ~~(iii) Applicants that successfully pass the Department's written examination and pay the required registration fee stated in section 5.3 and required in section 4.4.3(iii) of this regulation shall be assigned and issued a registration number identifying them as a Department registered pre-demolition building inspector and authorizing them to conduct pre-demolition inspections of structures within Salt Lake County.~~
- ~~(iv) Department registered pre-demolition building inspector registrations shall be valid for two years from the date of issuance. Inspectors shall renew their registrations with the Health Department within 60 days prior to their current registrations' expiration. The Department will maintain a copy of the registrations for the period of time as authorized by Government Records Access and Management Act (GRAMA) and the Salt Lake County Health Department's Record Retention Schedule.~~
- ~~(v) Department registered pre-demolition inspectors shall immediately notify the Department of a change in address.~~
- ~~(vi) Department registered pre-demolition inspectors who change employment or who fail to maintain current certification with the State Division of Air Quality as a certified asbestos inspector shall immediately notify the Department and shall not conduct further pre-demolition building inspections until the Department gives approval.~~

~~4.5 — **Asbestos.** In addition to the requirements set forth in section 4.1.5(ii)(y) and 4.4 of this regulation, the Department incorporates by reference the Asbestos Rules promulgated by the Utah Air Quality Board in Utah Administrative Code R307-801, Utah Asbestos Rule.~~

5. LICENSES, PERMITS, BONDS FINANCIAL ASSURANCE & REGULATORY FEES

- 5.1 The Department may establish and collect appropriate fees for licenses and permits as set out in this Regulation. The Department may collect appropriate fees as set out in this Regulation for the performance of services, including inspections and plan reviews. If information on a license or permit application changes, the applicant shall notify the Department in writing within 20 calendar days.
- 5.2 Unless otherwise provided or omitted, solid waste management facilities and haulers required to obtain a permit pursuant to Section 4.1.1 of this Regulation shall pay the applicable fees. The permit fee is due upon permit application and, if so stated, is due annually thereafter. The tonnage fee is due quarterly on the ~~first~~ 25th day of January, April, July, and October.
 - 5.2.1 Application and Permit Fees. The Application and Permit fees for solid waste management facilities and haulers are listed in the Department's Fee Schedule.

- (i) **Municipal Waste Permit Fee.** A Municipal Waste Permit Fee shall be paid by applicants for a permit issued pursuant to Sections 4.1.1(i)(a)(i)-through (b)(i) upon permit application in an amount as provided for or as approved by the Director in the Department's Fee Schedule.
- (ii) **Construction and Demolition Waste Permit Fee.** A Construction and Demolition Waste Permit Fee shall be paid by applicants for a permit issued pursuant to Sections 4.1.1(i)(a)(ii)- through (b)(ii) upon permit application in an amount as provided for or as approved by the Director in the Department's Fee Schedule
- (iii) **Monofill Permit Fee.** A Monofill Permit Fee shall be paid by applicants for a permit issued pursuant to Section 4.1.1(i)(b)(iii) upon permit application in an amount as provided for or as approved by the Director in the Department's Fee Schedule.
- (iv) **Liquid Waste Processing Facility Permit Fee.** A Liquid Waste Processing Facility Permit Fee shall be paid by applicants for a permit issued pursuant to Section 4.1.1(i)(a)(iii) upon permit application in an amount as provided for or as approved by the Director in the Department's Fee Schedule.
- (v) **Waste Tire Storage Facility Permit Fee.** A Waste Tire Storage Facility Permit Fee shall be paid by applicants for a permit issued pursuant to Section 4.1.1(i)(a)(iv) upon permit application and annually thereafter in an amount as provided for or as approved by the Director in the Department's Fee Schedule
- (vi) **Waste Hauler Permit Fee.** A Waste Hauler Permit Fee shall be paid by applicants for a permit issued pursuant to Section 4.2.1(i)(a) upon permit application in an amount as provided for or as approved by the Director in the Department's Fee Schedule.
- (vii) **Infectious Medical Waste Facility Permit Fee for Storage or Transfer.** An Infectious Medical Waste Facility Permit Fee for Storage or Transfer shall be paid by applicants for a permit issued pursuant to Section 4.1.1(i)(a)(v) upon permit application and annually thereafter.
- (viii) **Infectious Medical Waste Treatment Facility Permit Fee.** An Infectious Medical Waste Treatment Facility Permit shall be paid by applicants for a permit issued pursuant to Section 4.1.1(i)(a)(vi). upon permit application and annually thereafter in an amount as provided for or as approved by the Director in the Department's Fee Schedule
- (ix) ~~**Infectious Medical Waste Hauler Permit Fee.** An Infectious Medical Waste Hauler Permit Fee shall be paid by applicants for a permit issued pursuant to section 4.2.1(i)(d) upon permit application in an amount as~~

~~provided for or as approved by the Director in the Department's Fee Schedule.~~

- (ix) **Recycling or Private Solid Waste Management Facility Permit Fee.** A Recycling or Private Solid Waste Management Facility Permit Fee shall be paid by applicants for a permit issued pursuant to Sections 4.1.1(i)(a)(vii)- through (b)(iv) upon permit application and annually thereafter in an amount as provided for or as approved by the Director in the Department's Fee Schedule.
- (x) **Liquid Waste Hauler Permit Fee.** ~~A Liquid Waste Hauler Permit Fee shall be paid by applicants for a permit issued pursuant to section 4.2.1(i)(c) upon permit application in an amount as provided for or as approved by the Director in the Department's Fee Schedule.~~
- (x) **Waste Tire Hauler Permit Fee.** A Waste Tire Hauler Permit Fee shall be paid by applicants for a permit issued pursuant to Section 4.2.1(i)(b) upon permit application in an amount as provided for or as approved by the Director in the Department's Fee Schedule.

5.2.2 Tonnage Fees:

- (i) **Municipal Waste Permit Tonnage Fee** – Owners or operators of solid waste management facilities permitted pursuant to ~~section~~ Sections 4.1.1(i)(a)(i)- through (b)(i) shall pay a tonnage fee in an amount as provided for or as approved by the Director in the Department's Fee Schedule. Processing Facilities permitted pursuant to Section 4.1.1(i)(a)(i) are exempt from paying this fee on solid waste transferred for disposal inside Salt Lake County. Tonnage fees shall be accompanied by documentation verifying the amount of tonnage received during that quarter.
- (ii) **Construction and Demolition Waste Permit Tonnage Fee** – Owners or operators of solid waste management facilities permitted pursuant to Sections 4.1.1(i)(a)(ii)- through (b)(ii) shall pay a tonnage fee in an amount as provided for or as approved by the Director in the Department's Fee Schedule. Processing Facilities permitted pursuant to Section 4.1.1(i)(a)(ii) are exempt from paying this fee on solid waste transferred for disposal inside Salt Lake County. Tonnage fees shall be accompanied by documentation verifying the amount of tonnage received during that quarter.
- (iii) **Monofill Permit Tonnage Fee** – Monofill Permit holders shall pay a tonnage fee in an amount as provided for or as approved by the Director in the Department's Fee Schedule. Tonnage fees shall be accompanied by documentation verifying the amount of tonnage received during that quarter.

- (iv) **Liquid Waste Processing Facility Permit Tonnage Fee** – Liquid Waste Processing Facility Permit holders shall pay a tonnage fee in an amount as provided for or as approved by the Director in the Department’s Fee Schedule. Tonnage fees shall be accompanied by documentation verifying the amount of tonnage received during that quarter.
- (v) ~~**Infectious Medical Waste Treatment Facility Permit Tonnage Fee**~~ – Infectious Medical Waste Treatment Facility Permit holders shall pay a tonnage fee in an amount as provided for or as approved by the Director in the Department’s Fee Schedule.

~~5.3 Pre-Demolition Building Inspectors who register pursuant to section 4.4 of this regulation shall pay a registration fee in an amount as provided for or as approved by the Director in the Department’s Fee Schedule, due upon application. Registration is valid for two years.~~

5.3 Late Fees and Follow-Up Inspection Fees.

5.3.1 The Department may impose upon any party subject to this ~~R~~regulation penalties and charges for failure to timely pay service and license or permit fees as set out in this ~~R~~regulation. Attorney’s fees and collection fees may also be ~~applied~~assessed.

5.3.2 Fees unpaid to the Health Department after one month ~~30 days~~ of the due date will be assessed a penalty of 10% of the outstanding balance. ~~Failure to pay the fees and additional charges unpaid after two months of the due date will be assessed an additional penalty of 15% of the outstanding balance, including previous penalties. Failure to pay the fees and additional charges unpaid after 100 days of the due date will result in suspension of the permit and the right to operate. A charge will be assessed for each returned check.~~

5.3.3 **Solid Waste Management Facility Follow-Up Inspection Fee.** The Department will charge a follow-up fee to a Solid Waste Management Facility Permit holder when conditions found during an inspection require a follow-up inspection to ensure compliance in an amount as provided for or as approved by the Director in the Department’s Fee Schedule.

5.3.4 **Hauler Follow-Up Inspection Fee.** The Department will charge a follow-up fee to a Hauler Permit holder when conditions found during an inspection require a follow-up inspection to ensure compliance in an amount as provided for or as approved by the Director in the Department’s Fee Schedule.

5.4 Unless otherwise provided for in this ~~R~~regulation or approved by the Department in the Department’s Fee ~~Schedule~~Standard, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.

5.5 **Denial, Suspension, or Revocation of Approval or Permit.** Any ~~approval~~, permit ~~applied for, or application for permit renewal received or issued~~ underpursuant to this

Regulation may be denied, suspended, or revoked by the Department for any of the following reasons~~notice and opportunity for a hearing~~:

- 5.5.1 Failure of the reports, plans, or specifications to show the solid waste management facility will be constructed, operated, or maintained in accordance with the requirements and standards of this Regulation;
- 5.5.2 Submission of incorrect or false information in the application, reports, plans, or specifications;
- 5.5.3 Failure to construct, operate, or maintain the solid waste management facility, site, or vehicle in accordance with the application, reports, plans, and specifications approved by the Department;
- 5.5.4 Operation of the solid waste management facility, site, business, or vehicle in a way that causes or creates a ~~nuisance~~ or hazard to the public health, safety, or welfare;
- 5.5.5 Violation of any rule or regulation, restriction, or requirement adopted by the Department;
- 5.5.6 Violation of any condition on which the permit was issued;
- 5.5.7 Failure to pay to the Department the permit or tonnage fees required in Section 5.2 ~~or failure to post or maintain the surety bond required in section 4.1.1(iii)~~;
- 5.5.8 Failure to ~~pay any deficiency in the required bond or failure to provide or maintain the financial assurance as required in~~ Section 4.1.1(iii);
- 5.5.9 Failure of the owner or operator of a solid waste management facility to permit or allow the Department to conduct inspections or obtain samples as necessary to determine compliance with this Regulation; or
- 5.5.10 Previous history of non-compliance with any local, state or federal environmental law, or previous revocation or permanent suspension of any permit issued under any local, state, or federal environmental law.
- 5.5.11 Failure to pay all charges, including late fees after 100 days of the due date.
- 5.5.12 The Department may deny the application of a person for a new facility if the person owns or operates or has responsibility for an existing facility that is in violation of this Regulation.

6. INSPECTIONS & INVESTIGATIONS

6.3 To ensure compliance, the Department ~~has the authority to perform~~ conduct inspections, investigations, reviews, and other actions as necessary.

6.4 Authority for Department to Enter Premises.

6.4.1 **Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter ~~upon the premises of~~ properties regulated by the Department to ~~conduct~~perform routine inspections to ~~ensure~~for compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health & Environmental Quality, ~~county or municipal governing bodies~~, or the Division of Occupational and Professional Licensing.

6.4.2 **Consent by License or Permit:** The Department may require ~~licensees or~~ permittees to ~~consent to~~allow access for inspections as part of their ~~license or~~ permit. Failure to ~~allow~~provide access for inspections as set out in the ~~license or~~ permit may result in the suspension or revocation of the ~~license or~~ permit.

6.5 The owner or other responsible person may request information gathered by the Department during an investigation, inspection or review as authorized by the Government Records Access and Management Act (GRAMA), Utah Code ~~Ann.~~ § 63G-2-101 to 901.

6.6 **Pre-open and Construction Inspection.** Upon completion of construction of a processing facility and prior to its initial operation, the Department shall be notified so an inspection may be made of the facility to determine conformance with the approved plan and with the applicable provisions of this ~~R~~regulation. Performance tests of the processing facility may be required by the Department. A report covering the results of any performance tests shall be prepared by the design engineer of the project and submitted to the Department with a copy of all supporting data.

7. **ENFORCEMENT MECHANISMS.** If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this ~~R~~regulation or the Department has other reasonable grounds to believe that there has been a violation of any part of this ~~R~~regulation or that the property owner or otherwise responsible party is not in compliance with this ~~R~~regulation, the Department may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges. Similarly, a party need not be charged with and/or found guilty of criminal charges to be cited civilly and/or administratively.

7.1 **Civil Enforcement Actions.** The Department may request the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.2 **Criminal Enforcement Actions.** The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in

recommending criminal enforcement include the following factors and any other relevant factors:

- 7.2.1 The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;
- 7.2.2 The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;
- 7.2.3 The degree to which the offender is a known violator and has avoided prior actions by the department;
- 7.2.4 The degree to which prosecution might deter future violations;
- 7.2.5 The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
- 7.2.6 The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.2.7 The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.2.8 Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

~~7.3 **Civil Enforcement Actions.** The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.~~

7.3 **Administrative Actions.**

- 7.3.1 The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
- 7.3.2 **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via ~~first~~ certified mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3 **Contents of NOV.** The NOV shall:

- (i) Describe the property and the persons believed to be in violation;

- (ii) Describe the violation;
- (iii) Describe remedial action that will comply with the provisions of this Regulation;
- (iv) Set a reasonable time for the performance of any required remedial action(s);
- (v) Describe the procedure to contest the NOV and the time limits for such a contest; and
- (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4 Challenging an NOV. As detailed in the Department's Adjudicative Hearing Procedures, a ~~A~~ party aggrieved by an NOV may request a departmental conference, or departmental appeal ~~review of the NOV as set forth in the Department's Adjudicative Hearing Procedures a departmental conference, departmental hearing, or departmental appeal~~ in writing within 10 days of the date of the NOV.

7.3.5 Departmental Conference, Settlement Agreements, and Stipulations & Orders.

- (i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department. No hearing officer will be present. The process of requesting a Departmental Conference is more fully described in the Department's Adjudicative Hearing Procedures.
- (ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

7.3.6 Hearings &-Appeals. Parties Aggrieved by an NOV may also request a ~~Departmental Hearing or a Departmental Appeal~~. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the Department's Adjudicative Hearing Procedures. ~~Departmental Hearing Orders and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the Department's Adjudicatory~~ Adjudicative Hearing Procedures.

- 7.3.7 **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

7.4 **Additional Administrative Enforcement Authority.**

- 7.4.1 The Department may declare unsanitary conditions a ~~nuisance~~hazard and cause every ~~nuisance~~hazard affecting the public health to be abated.
- 7.4.2 Any variances allowed by the Department to the requirements of this Regulation shall be only by written approval of the Board.
- 7.4.3 **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, the Director may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the health ~~nuisance~~hazard immediately; but may petition the Director for a hearing in accordance with the Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this Regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

8. **CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES.**

8.1 **Criminal Penalties.**

- 8.1.1 Any person who is found guilty by a court of violating any of the provisions of this Regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code ~~Ann.~~ § 26A-1-123.
- 8.1.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 8.1.3 Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.2 **Civil and Administrative Penalties.**

- 8.2.1 Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. ~~Penalties may also be imposed by the Hearing Officer.~~ Penalties may be assessed according to the following factors:

- (i) The violator's history of compliance or non-compliance;
- (ii) The violator's economic benefit of non-compliance;
- (iii) The documented costs associated with environmental or health damage;
- (iv) The violator's degree of willfulness or negligence; and
- (v) The violator's good faith efforts to comply and cooperate.

8.2.2 The Director may multiply the penalty by the number of days the violation occurred.

8.3 Recovery of Investigation & Abatement Costs.

8.3.1 The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2 The Department may record a judgment lien on a violator's property to recover its expenses and costs.

9. EFFECTIVE DATE.

9.1 This Regulation shall become effective upon its adoption by the Salt Lake County Board of Health and the Salt Lake County Council pursuant to Utah Code Ann. § 41-6a-1642 (2).

APPROVED AND ADOPTED this _____ day of _____, 201726.

SALT LAKE COUNTY BOARD OF HEALTH

By: _____
~~Brooke Hashimoto~~ Rusty Vetter, JD, Chair

ATTEST:

By: _____
~~GARY L. EDWARDS, M.S.~~ DOROTHY

ADAMS, MPA, LEHS

Executive Director
Salt Lake County Health Department

APPENDIX A

Water Quality Analysis Table

Solid Waste Permitting and Management Rule
Utah Administrative Code R315-308
Groundwater Monitoring Requirements

	GROUND AND SURFACE WATER		LEACHATE
	Baseline	Routine	All
	Parameters	Parameters	Samples
FIELD PARAMETERS			
Dissolved Oxygen (DO) ¹	X	X	X
Floaters or Sinkers ²	X		X
Odor ³	X	X	X
pH	X	X	X
Specific Conductance	X	X	X
Static Water Level	X	X	X
Temperature	X	X	X
LEACHATE INDICATORS			
Alkalinity	X	X	X
Ammonia	X	X	X
Bicarbonate	X	X	X
Biochemical Oxygen Demand (BOD)	X		X
Carbonate ⁴	X	X	X
Chemical Oxygen Demand (COD)	X	X	X
Chloride	X	X	X
Nitrate	X	X	X
Phenols	X		X
Sulfate	X	X	X
Total Dissolved Solids (TDS)	X	X	X
Total Kjeldahl Nitrogen (TKN)	X		X
Total Organic Carbon (TOC)	X	X	X
Total Organic Halogen (TOH)	X	X	X
Turbidity	X		X
METALS ⁵			
Aluminum	X		X
Antimony	X	X	X
Arsenic	X	X	X
Barium	X	X	X
Beryllium	X	X	X
Boron	X		X
Cadmium	X	X	X
Calcium	X		X
Chromium (total & hexavalent)	X	X	X
Cobalt	X	X	X

Copper	X	X	X
Cyanide	X		X
Iron	X	X	X
Lead	X	X	X
Magnesium	X	X	X
Manganese, dissolved	X	X	X
Mercury	X	X	X
Nickel	X		X
Potassium	X		X
Selenium	X	X	X

	GROUND AND SURFACE WATER				LEACHATE	
	Baseline		Routine		All	
	Parameters		Parameters		Samples	
METALS ⁵						
Silver		X		X		X
Sodium	X	X	X	X	X	X
Thallium		X		X		X
Vanadium		X		X		X
Zinc		X		X		X
ORGANIC CONSTITUENTS						
Volatile Organics ⁶		X		X		X
(as listed below)						
Acetone				cis-1,3-Dichloropropene		
Acrolein				trans-1,3-Dichloropropene		
Acrylonitrile				Ethylbenzene		
Benzene				2-Hexanone (Methyl butyl ketone)		
Bromochloromethane				Methyl bromide (Bromomethane)		
Bromodichloromethane				Methyl chloride (Chloromethane)		
Bromoform (Tribromomethane)				Methylene bromide (Dibromomethane)		
Carbon disulfide				Methylene chloride (Dichloromethane)		
Carbon tetrachloride				Methyl ethyl ketone (2-Butanone)		
Chlorobenzene				Methyl iodide (Iodomethane)		
Chloroethane (Ethyl chloride)				4-Methyl-2-pentanone (MIBK)		
Chloroform (Trichloromethane)				Styrene		
Dibromochloromethane				1,1,1,2-Tetrachloroethane		
1,2-Dibromo-3-chloropropane				1,1,2,2-Tetrachloroethane		
1,2-Dibromoethane (EDB)				Tetrachloroethylene (PCE)		
1,2-Dichlorobenzene (ortho)				Toluene		
1,4-Dichlorobenzene (para)				1,1,1-Trichloroethane (Methyl chloroform)		
trans-1,4-Dichloro-2-butene				1,1,2-Trichloroethane		
1,1-Dichloroethane				Trichloroethylene (TCE)		
1,2-Dichloroethane				Trichlorofluoromethane (Freon II)		
1,1-Dichloroethylene				1,2,3-Trichloropropane		
cis-1,2-Dichloroethylene				Vinyl acetate		
trans-1,2-Dichloroethylene				Vinyl chloride		
1,2-Dichloropropane				Xylenes		

Notes

- ¹ Surface water and leachate only.
- ² Any floaters or sinkers found shall be analyzed separately for baseline parameters.
- ³ Any odors noticed during well development, purging, or sampling must be noted and reported.
- ⁴ Carbonate must be calculated unless the pH is above 8.2.
- ⁵ Standard analytical procedures for the heavy metals are provided in EPA Report SW-846 "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium" third edition, November 1986, as revised December 1987, includes either Method 6010 or a method from the 7000 series of methods, or other approved methods.
- ⁶ Standard analytical procedures for the organic constituents are provided in SW-846 as Method 8260