

**Salt Lake County Health Department**

**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**

**Under Authority of Utah Code Ann. § 26A-1-114**

## 1. PURPOSE & APPLICABILITY OF REGULATION

- 1.1 The purpose of this 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 and damage to property; and will minimize environmental pollution.
- 1.2 This regulation applies to persons engaged in the handling, processing, collection, transporting or disposal of solid waste. This regulation also applies to locations where solid waste is accumulated, stored, disposed or processed.

## 2. DEFINITIONS

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

- 2.1 “Active life” shall mean the period of time that solid waste is routinely and regularly received at a solid waste management facility.
- 2.2 “Active portion” shall mean 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.”
- 2.3 “Agricultural waste” shall mean 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 mean an airport open to the public without prior permission and without restrictions within the physical capabilities of available facilities, and any active military portion.
- 2.5 “Aquifer” shall mean a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to a well or spring.
- 2.6 “Asbestos” shall mean the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, ~~and~~ actinolite-tremolite, and Libby amphibole.
- 2.7 “Asbestos waste disposal site” shall mean a landfill or landfill cell which is permitted by the Department to accept asbestos containing material.
- 2.8 “Asbestos-containing material” shall mean any material containing more than 1% asbestos as determined using the method specified in 40 C.F.R. § 763.1, 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.
- 2.9 “Asbestos waste” as applied in this Regulation shall mean “asbestos-containing waste material” as 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 disposable equipment and clothing.

2.10 “Ash residue”

2.10.1 shall mean the solid residue and any entrained liquids resulting from the combustion of solid waste.

2.10.2 “Ash residue” includes bottom ash, boiler ash, fly ash, and the solid residue of any air pollution control device.

2.11 “Automobile dismantling yard” shall mean 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.

2.12 “Background” or “Background concentration” shall mean the concentration of a contaminant in groundwater or surface water upgradient of or a lateral hydraulically equivalent point from a solid waste management facility which has not been affected by activity at that facility.

2.13 “Baseline water quality” shall mean the chemical composition of groundwater or surface water before deposition or processing of solid waste at a solid waste management facility.

2.14 “Board” shall mean the Salt Lake County Board of Health.

2.15 “Bulky waste” shall mean large items of solid waste including, but not limited to, appliances, furniture, construction and demolition waste, motor vehicles, tires, trees, branches, and stumps.

2.16 “Cell” shall mean a discrete engineered area of a landfill that is designed for the disposal of solid waste. A “cell” is a subpart of a landfill.

2.17 “Clay” shall mean:

2.17.1 the mineral soil particles less than 0.002 millimeters diameter; or

2.17.2 a soil material that is 40% or more clay and either less than 45% sand or less than 40% silt.

2.18 “Clean fill” shall mean uncontaminated rock, soil, gravel, and inert solid waste that is suitable to be utilized for engineering or grading purposes.

- 2.19 “Closed portion” shall mean a discrete portion of a solid waste management facility which has been closed in accordance with the closure requirements of this regulation.
- 2.20 “Combustion” shall mean 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.
- 2.21 “Commercial waste” shall mean solid waste generated by retail stores, offices, restaurants, warehouses, and other non-manufacturing commercial activities.  
“Commercial waste” does not include household waste or industrial waste.
- 2.22 “Compaction” shall mean the volume reduction of material under load.
- 2.23 “Compost” shall mean organic waste material that has biologically decomposed or is in the process of biologically decomposing under controlled conditions.
- 2.24 “Composting” shall mean a method of solid waste management whereby the organic component of the waste stream is biologically decomposed under controlled conditions to a state 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.
- 2.25 “Composting facility” shall mean a processing facility that provides compost or a part of a composting process.
- 2.26 “Confined aquifer” shall mean an aquifer containing groundwater at a pressure greater than atmospheric pressure and from which water in a well usually rises to a level above the top of the aquifer.
- 2.27 “Construction and demolition landfill” shall mean a landfill that is permitted by the Department to accept only construction and/or demolition waste.
- 2.28 “Construction and demolition waste”
- 2.28.1 Shall mean solid waste resulting from the construction, remodel, repair, abatement, rehabilitation, renovation or demolition of structures; from road building; and from land clearing. 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.
- 2.28.2 “Construction and demolition waste” does not include hazardous waste, regulated asbestos-containing material, garbage, fluorescent electrical fixtures containing mercury, 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, 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 such as air, surface water, groundwater, and soil, or the release or discharge of any liquid, gaseous or solid substance into any waters of the state as will create a nuisance or render 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 life.
- 2.31 “Contaminant” shall mean any physical, chemical, biological or radiological substance or matter placed in the air, soil or water as a result, directly or indirectly, of human, animal, or other activity.
- 2.32 “Cover material” shall mean soil or other material approved by the Department used to cover compacted solid waste 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.
- 2.36 “Director” shall mean the Director of the Salt Lake County Health Department or his or her designated representative.
- 2.37 “Discharge” shall mean 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.
- 2.38 “Down-gradient well” shall mean a well installed at a point lower in hydraulic potential relative to other points at a solid waste management facility.

- 2.39 “Dust” shall mean any particulate matter from soils, minerals, ash or other material capable of being suspended in air.
- 2.40 “Emissions” shall mean the act of discharge into the atmosphere of an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.
- 2.41 “Etiologic agent” shall mean any micro-organism, helminth, or virus that causes, or significantly contributes to the cause of increased morbidity or mortality of human beings.
- 2.42 “Facility” shall mean a solid waste management facility.
- 2.43 “Final cover” shall mean 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 inches shall be soil of a composition suitable to sustain plant growth. The lower portion shall be a material that restricts infiltration and has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than  $1 \times 10^5$  cm/sec, whichever is less, and will minimize infiltration through the closed landfill by the use of an infiltration layer that contains a minimum 18 inches of earthen material, graded at a minimum 2% slope on the surface and a maximum of 33% slope on the sides.
- 2.44 “Floodplain” shall mean land that has been or may be hereafter covered by flood water which has a 1% chance of occurring 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.
- 2.45 “Freeboard” shall mean 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.
- 2.46 “Garbage” shall mean solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food or material intended for use as food, and all offal (excluding useful industrial by-products) from all public and private establishments and from all residences.
- 2.47 “Generator” shall mean 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.
- 2.48 “Groundwater” shall mean subsurface water which is in the zone of saturation, including perched groundwater.
- 2.49 “Groundwater table” shall mean the naturally occurring surface of groundwater at which it is subjected to atmospheric pressure. “Groundwater table” does not include the potentiometric head level in a confined aquifer.
- 2.50 “Hauler”
- 2.50.1 Shall mean a person engaged in the off-site collection and transportation of solid waste by vehicle.

2.50.2 “Hauler” shall include, but not be limited to, waste haulers, liquid waste haulers, waste tire haulers, and infectious medical waste haulers.

- 2.51 “Hazardous waste” shall mean 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, or otherwise managed.
- 2.52 “Household hazardous waste” shall mean 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 R315-2-4, Utah Hazardous Waste Management Rules. The container size normally and reasonably associated with households and household activities is 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 specific time.
- 2.54 “Impermeable” shall mean having a hydraulic conductivity equal to or less than  $1 \times 10^{-7}$  cm/sec as determined by field and laboratory permeability tests made according to 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 where metals are reprocessed or the refining, processing, or burning of used oil for energy recovery as described in Utah Administrative Code R315-15 Standards for the Management of Used Oil.
- 2.56 “Incinerator” shall mean a device used for incineration of solid waste that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.
- 2.57 “Industrial waste” shall mean solid waste generated by manufacturing or an industrial process. Such waste is generated by the following processes: electric power generation; fertilizer or other agricultural chemical manufacturing; food and related products preparation; inorganic chemicals manufacturing; iron and steel manufacturing; leather and leather products manufacturing; nonferrous metals manufacturing/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 treatment.

- 2.58 “Industrial waste landfill” shall mean a landfill permitted under subchapter 4.1.1(i)(b)i 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, 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 to the waste of a susceptible host could result in an infectious disease. Infectious medical waste shall include but 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 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, 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/antineoplastic agents during 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 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
  - 2.60.9 Any other infectious medical waste that can present a significant danger of infection because it may reasonably be expected to be contaminated with etiologic agents.
- 2.61 “Infectious medical waste generator”



- 2.61.1 Shall mean a person who generates infectious medical waste and includes any hospital, psychiatric hospital, home health agency, hospice, skilled nursing facility, intermediate care facility, intermediate care facility for the intellectually disabled, residential health care facility, maternity home or birthing center, free standing ambulatory surgical center, facility owned or operated by health maintenance organization, or stage renal disease treatment center that includes a free standing hemodialysis unit.
- 2.61.2 “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/paramedic services, veterinary clinics, and funeral homes, or any other health care facility that the Department designates.
- 2.61.3 “Infectious medical waste generator” shall 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 a 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 mean a solid waste management facility, which is intended to receive solid waste or its residue after treatment, for permanent disposal.
- 2.65 “Landspreading facility” shall mean a 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 mean liquid that has passed through, contacted, or emerged from solid waste and which contains dissolved, suspended, ~~or~~ miscible or immiscible materials, chemicals, or microbial waste products removed from the solid waste.
- 2.67 “Leachate recirculation” shall mean the recycling or reintroduction of leachate into a landfill.
- 2.68 “Lift” shall mean the vertical thickness of a compacted volume of solid waste and the cover material immediately above it.
- 2.69 “Liner” shall mean a continuous layer of natural or man-made materials beneath or on the sides of a landfill, cell, or surface impoundment to restrict the downward or lateral escape of solid waste or its constituents.
- 2.70 “Liquid waste”

- 2.70.1 Shall mean a solid waste that contains “free liquids” as defined by Method 9095 (Paint Filter Liquids Test), as described in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods” (EPA pub. no. SW-846, latest edition).
- 2.70.2 “Liquid waste” does not include infectious medical waste or hazardous waste.
- 2.71 “Liquid waste hauler” shall mean a person with a wastewater tank in or on the vehicle or trailer with the ability to haul sludge, liquid waste, semi-liquid waste, or used oil.
- 2.72 “Litter” shall mean a quantity of uncontained paper, metal, plastic, glass, or other solid waste.
- 2.73 “Littering” shall mean the throwing, discharging, dropping, placing, depositing, or sweeping of litter or other solid waste on any premises other than in approved storage containers.
- 2.74 “Lower explosive limit (LEL)” shall mean the lowest percentage by volume of a mixture of flammable gases that could propagate a flame in air at 77° Fahrenheit (25° Celsius) and atmospheric pressure.
- 2.75 “Mercury-containing Lights” shall mean 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 a mobile business or portion of a business that generates liquid waste from carpet cleaning, power washing, or other similar 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 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 aid in soil stabilization and soil moisture conservation, thus providing microclimatic conditions suitable for germination and growth. R645-100 *Natural Resources; Oil, Gas, and Mining; Coal*
- 2.79 “Mulching” shall mean a method of solid waste management whereby the vegetation residues or other suitable materials of the waste stream are processed to a state in which the end product or mulch 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.
- 2.81 “Municipal waste”
- 2.81.1 shall mean solid waste generated from households, commerce, industry, construction, and demolition of structures.

- 2.81.2 “Municipal waste” does not include infectious medical waste or hazardous waste.
- 2.82 “Municipal waste landfill” shall mean a landfill or cell permitted pursuant to subchapter 4.1.1(i)(b)(i) to receive solid waste, and which may also receive commercial waste, construction and demolition waste, or any other waste approved by the Department.
- 2.83 “Open burning” shall mean a 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 that has accepted or disposed of solid waste without approval of the Department.
- 2.85 “Operator” shall mean any person who owns, leases, operates or manages a solid waste management facility or a hauler operation.
- 2.86 “Owner” shall mean any person who solely, jointly or severally with others:
- 2.86.1 has legal title to a solid waste management facility, a hauler operation or other property with or without accompanying actual possession thereof; or
  - 2.86.2 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, or 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 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 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 a solid waste management facility fixed or mobile, where solid waste is stored, classified, consolidated, baled, shredded, sorted, composted, blended, solidified, salvaged, treated, or handled prior to final disposal.
  - 2.89.2 “Processing facilities” include, but are not limited to: incinerators; transfer stations; landspreading facilities; composting 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 contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of 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 standards and procedures to ensure that a product, procedure, or facility meets or exceeds desired performance criteria and documentation to verify the results obtained. Quality assurance includes quality control.
- 2.94 "Quality control"
- 2.94.1 Shall mean the verification and maintenance of the characteristics of an item or service to 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 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 materials from a solid waste stream and processing them into usable materials that have a demonstrated or potential market.
- 2.95.1 Recycling includes the substitution of nonhazardous solid waste fuels for conventional fuels (such as coal, natural gas, and petroleum products) for the purpose of generating the heat necessary to manufacture a product.
- 2.95.2 Recycling does not include processes that generate such volumes of material that 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 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 demolition or renovation project operations.

- 2.98 “Remediation” shall mean the corrective actions taken in the event of a discharge or threatened discharge of a contaminant into the environment.
- 2.99 “Residue” shall mean any solid waste or product remaining after processing occurs that cannot be recycled or returned to market by the processing facility. Residue shall be disposed of at a landfill or other processing facility permitted to accept that waste.
- 2.100 “Resource recovery” shall mean the processing of solid waste to produce materials or energy that may be used or reused in manufacturing, agriculture, power or heat production, or any other process.
- 2.101 “Resource recovery facility” shall mean a processing facility designed and operated to separate or process solid or liquid waste into usable material including, but not limited to, fuel, heat, or other energy.
- 2.102 “Run-off” shall mean 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 mean the controlled removal or handling of junk or other waste material for processing, recycling, or other utilization.
- 2.105 “Scavenge” shall mean the unauthorized removal of solid waste from a solid waste management facility.
- 2.106 “Scrap metal processing facility” shall mean 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 metal and whose principle product is scrap iron, steel, or nonferrous metal for sale, reuse, melting, smelting, or rolling.
- 2.107 “Seismic zone” shall mean 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 mean human or animal wastes carried by water or other liquid from a dwelling, business building, institution, industrial establishment, or agricultural, recreational, or other location including, but not limited to, sewer systems, septic tanks, privy vaults, and cesspools, including any groundwater, surface water, and storm water that may be mixed with these wastes.
- 2.109 “Sharps” shall mean any discarded or contaminated article or instrument that may cause puncture or cuts. Such waste includes, but is not limited to, needles, syringes, pipettes, intravenous tubing with needles attached, glassware, lancets, and scalpel blades.

## 2.110 “Sludge”

2.110.1 Shall mean any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial process, a wastewater treatment plant, water supply treatment plant, or air pollution control facility; car wash facility; or any other waste having similar characteristics and effect.

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

## 2.111 “Solid waste”

2.111.1 Shall mean 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 mean an act or omission that results in solid waste endangering or injuring the health of any person or the environment.

2.113 “Solid waste management facility” shall mean 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”

2.114.1 Shall mean solid wastes not considered hazardous but that may require complex or special management or handling due to their physical, biological, or chemical characteristics, high moisture content or bulk.

2.114.2 “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 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 mean 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 mean a stationary device designed to contain an accumulation of solid waste, liquid or leachate, and constructed primarily of non-earthen material such as wood, concrete, steel, or plastic, that provides structural support.
- 2.118 “Tire” shall mean a pneumatic rubber covering designed to encircle the wheel of a vehicle in which a person or property is or may be transported or drawn upon any surface. Excluded from this definition are tires from devices moved exclusively by human power.
- 2.119 “Tire shreds” shall mean a tire or waste tire that has been reduced in size through mechanical or other Department approved means where the greatest dimension of a minimum of 60 %, by weight, of the pieces 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 mean a processing facility where solid waste is transferred for transportation to another solid waste management facility for treatment or disposal.
- 2.121 “Treatment” shall mean 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, or to make it amenable for recovery, storage, or to reduce its volume.
- 2.122 “Unauthorized solid waste” shall mean 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 mean batteries, pesticides, mercury-containing equipment, and lamps, which are hazardous wastes, that are subject to the requirements of and as defined in Utah Administrative Code 315-16.
- 2.124 “Unsaturated zone” shall mean 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 mean a well installed at a point higher in hydraulic potential relative to other points at a solid waste management facility.
- 2.126 “Used oil” shall mean 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 mean any agent capable of transmitting a pathogen from one individual or organism to another.

2.127.2 “Vectors” include, 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 businesses that collect or transport solid waste as an incidental part of their 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 intended due to factors such as wear or imperfections.

2.131 “Waste tire hauler” shall mean any person who collects and hauls waste tires.

2.132 “Waste tire storage facility” 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;
- (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 site or are to be recycled or applied to a beneficial use.



2.133 “Wellhead protection area” shall mean 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 mean areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation typically adapted for life in saturated soil conditions.

2.134.2 “Wetlands” shall 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 violation of any other local, state or federal law.

3.5 Nothing in this regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County or 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.

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 tires at one time. No person shall dispose 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 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 operate, or allow to exist an open dump.
- 3.8.6 To create, cause, or allow insect or rodent propagation, conditions for transmission of disease, any unsanitary condition, or any other 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 and 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 that a public health or safety hazard or a nuisance is created.
- 3.8.11 To fail to keep records or to falsify records on the types or amounts of solid waste transported, treated, stored, or disposed, including the name and location of the solid waste management facility.
- 3.8.12 To cause a discharge of solid waste or contaminants into water or waterways within Salt Lake County, including wetlands, that violates any requirements of the Utah Water Quality Act, Utah Code Ann. § 19-5-101 including, but not limited to, the Utah Pollutant Discharge Elimination System (UPDES), the Salt Lake County Health Department Wastewater Regulation, #13 or the 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 used as a landfill for any purpose without first obtaining written approval from the Department.

3.9 **General Solid Waste Management Facility Siting Standards.** A new solid waste management facility shall not be located on or an existing solid waste management facility expanded within:

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

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

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

3.9.3 200 feet of a fault area, unless it has been demonstrated to the Department that no alternatives exist or that no displacement within the Holocene Epoch has occurred.

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

3.9.5 A one-hundred year floodplain, unless engineering measures have been incorporated in the design of the landfill that will ensure diversion of flood water from the disposal site.

3.9.6 10,000 feet of an airport runway used by turbojet aircraft or within 5,000 feet of an airport runway used by only piston-type aircraft, unless it is satisfactorily demonstrated to the Department that the site creates no bird hazard to the aircraft.

3.9.7 Public land designated as watershed area for municipal drinking water purposes or other drinking water source protection zones.

3.9.8 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 the zone of

contribution of the well, well field, or spring.

- 3.9.9 Any dam failure area.
- 3.9.10 One fourth mile of existing incompatible permanent dwellings or structures including residential areas, schools, places of worship, hospitals, and historic structures unless it can be satisfactorily demonstrated to the Department that the facility will not negatively impact public health.
- 3.9.11 Any other areas designated under state or federal regulations as prohibited 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 obtaining a valid permit issued by the Department according 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 construction, active life, and closure period of the facility. Modification to an existing solid waste management facility shall require Department approval. Permits and/or approval orders required by the Utah Department of Environmental Quality or other regulatory agencies shall be obtained prior to the facility owner receiving a Department-issued permit.

###### **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 which accepts municipal waste or non-hazardous industrial waste and transfers the solid waste for disposal.
- ii. **Construction and Demolition Processing Facility Permit.** A construction and demolition processing facility 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 be processed or disposed of at a solid waste management facility located outside Salt Lake County.

- i. Processing facilities that process used oil and return it to market shall obtain the requisite 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 facility for 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.

**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 accept 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 accept only construction and demolition waste.
- iii. **Monofill Permit.** A Monofill permit is required for a monofill that receives solid waste generated by a person other than the monofill's owner.
- iv. **Private Landfill Permit.** A Private Landfill Permit is required for a landfill which accepts solid waste generated only by the facility's owner or operator.

(ii) **Exemptions.** The following facilities or persons are exempt from the permit, approval and bond requirements of section 4.1.1 of this regulation and the fee requirements of Section 5 of this regulation:

- a. Solid waste management facilities permitted by state or federal agencies to accept hazardous waste, except for solid waste management facilities that contain a portion of the facility or cell 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 state or federal agencies.

- c. Asphalt and/or concrete recycling facilities that operate on mine or quarry sites provided that they 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 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 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/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 Federal Government.
- e. Temporary newspaper, aluminum, or other similar collection containers that are completely enclosed, except for a deposit opening, if the size of the container does not exceed thirty cubic yards and the deposited material is removed from the container on a regular 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 hazardous or putrescible waste;
  - iii. At least 50% of the material at the facility at the beginning of a calendar year is recycled before the end of that year;
  - iv. All materials on-site are recycled within two years of being deposited for recycling;

- v. The facility is designed to properly manage solid waste so as not to create 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 Federal laws, rules, and guidelines.
- g. Licensed automobile dismantling yards and scrap metal processors.
- h. Clean fill used for grading, provided the material is not contaminated and is used in compliance with all local, state, and federal regulations.
- i. River and stream bank stabilization operations, provided that:
  - i. Only clean fill is used; and
  - ii. The stabilization is approved or permitted by applicable county, state or federal agencies.
- j. Crematoriums or cemeteries if operated according to industry standards.
- k. Incinerators, steam sterilizers, or autoclaves that are located on-site of an infectious medical waste generator and which process only infectious medical waste generated on site.
- l. Generators of waste tires if the waste tires are generated as a result of selling new tires or retreading operations or generated as an incidental part of their business if less than 1,000 waste tires are stored at the facility or premises at any given time.
- m. Agricultural waste if the solid waste is non-hazardous and is generated and disposed of on the premises if the waste was generated in accordance with this Regulation and not within any prohibited areas listed in section 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 regulation 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 construction.
  - ii. For a permit to operate a new or existing solid waste management facility, at least 30 calendar days prior to commencement of operation.

- b. **Fees.** To be issued a Permit required under section 4.1.1 of this regulation, an applicant shall remit the relevant application fee provided in section 5.2.1 of this regulation.
- c. **Zoning Approval.** An applicant for a permit shall submit to the Department proof of planning or zoning approval for a facility from the planning or zoning agency having jurisdiction over the 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 applicant is applying for a processing facility permit as set forth in 4.1.1(i)(a), the applicant shall submit a Report pursuant to section 4.1.2(i) and a Closure and Post Closure Plan pursuant to section 4.1.2(ii).
  - ii. **Landfills.** If the applicant is applying for a landfill permit as set forth in chapter 4.1.1(i)(b), the applicant shall submit a Report pursuant to section 4.1.3(i) and a Closure and Post Closure Plan pursuant to section 4.1.3(ii).
- e. **Public Notice.** For permit issuance, the applicant shall submit proof that it has published notice of the proposed solid waste management facility in a newspaper of general circulation as specified in this chapter. Notice shall be placed in a newspaper of general circulation in the State of Utah for at least 3 consecutive days. The notice shall include:
  - i. The address of the proposed solid waste management facility;
  - ii. That application was made with the Department to construct and/or operate a solid waste management facility at the location;
  - iii. The date application was made with the Department.
  - iv. A reasonably specific description of the activities proposed to take place at the facility;
  - v. A statement to the effect the facilities plans and specifications may be viewed 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 the public may request a hearing on the matter by contacting the Salt Lake County Health Department within 10 days of the last date of published notice. A hearing will be held at the Director's discretion.
- f. **Public Hearings.** Before permit issuance, the Department may require the applicant to hold or participate in one or more public hearing(s). A



public hearing may be called for by the Department or by any member of the public with the consent of the Director.

g. **Bond and Financial Assurances.** For permit issuance to construct or to operate a solid waste management facility, an applicant shall acquire and file with the Department an approved financial assurance document in accordance with the requirements set forth in section 4.1.1(iv) of this regulation. If deemed necessary, the Department may require an applicant to submit additional financial assurances. An applicant who desires to construct or jointly operate both a landfill and a processing facility on the same or contiguous property may construct or operate the facilities under a single bond or financial assurance and is not required to submit duplicate information in applying for more than one permit.

(iv) **Application for Department Approval.** Applications for Department approval shall be made at least 30 calendar days prior to the start of construction or modification of design, operation, or closure activity.

(v) **Bond and Financial Assurance Requirements.**

a. Bonds and financial assurances required pursuant to sections 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 operation, maintenance, closure and 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 Agreement Form that has been signed and notarized by a company principal or other legal designee, the bonding agency representative, and designated county officials.

c. Bond and financial assurance cost estimates shall be based on:

i. A third party performing closure and post-closure care at any time during the active life of the solid waste management facility and adjusted annually for inflation until final closure;

ii. The disposal costs for the maximum amount of solid waste that will be stored at the facility at any given time.

d. The cost estimate of a bond or other financial assurance shall include, but not be limited to:

i. The cost of obtaining, moving, and placing a final cover over the landfill or 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 groundwater monitoring wells, gas monitoring or any other required devices, and the costs of sampling and analysis for the time interval, including closure and post-closure periods, required in section 4.1.4(iii) and chapter 4.1.5(iii) g. and as approved in the plans and specifications;
  - iv. The cost of maintaining the integrity of the final cover of the landfill for the closure period; and
  - v. The cost of corrective action for known releases and any other closure and post-closure requirements.
- e. **Exemptions.** Solid waste management facilities whose debts and liabilities are the debts and liabilities of a municipal, state, or federal government shall be exempt from the bond requirements of this regulation.
- (vi) **Department Review.** Issuance of a permit shall depend upon a determination by the Department that plans, specifications, and other information required under this regulation comply with the requirements of this regulation and with state and federal rules and regulations.
- (vii) An applicant who jointly operates both a disposal facility and a processing facility on the same or a contiguous property may operate the facilities under a single permit and bond. If such a provision is made, the Department shall adjust the permit fee and approve a bond amount that will ensure the requirements of this regulation are met. In no case shall the permit fee and bond exceed the total amount if the application for the landfill and processing facility were made separately.

#### 4.1.2 Processing Facilities Plans and Specifications.

- (i) **Report Requirements.** Applicants shall report the information listed in sections 4.1.2 (i)(a)-(z) of this regulation to the Department upon application for a permit to construct or operate a processing facility. The Department may require some of the following items to be prepared by a Utah-licensed Professional Engineer.
- a. Contact information for the owner and operator of the processing facility as well as managers on duty and in charge of actual operation and maintenance of the processing facility. 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 parcel boundaries that identifies the total area of the property.
- c. One or more plat maps or aerial photographs that accurately show:
  - i. The exact location of the proposed facility, its specific boundaries, and all homes, businesses, and structures within ¼ mile of the site boundaries;
  - ii. Road 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;
  - vi. The location of existing and proposed utilities servicing the processing facility; and
  - vii. Any general and irregular topography on the property.
- d. Detailed drawings and specifications of all fencing, buildings, structures, equipment, storage areas, and other facility plans.
- e. The method of acceptably screening the facility from the surrounding area.
- f. The present and future population and area to be served by the facility.
- g. A description of the anticipated present and future type, moisture content, quantity, and sources of solid waste to be processed at the facility. This description shall include a breakdown of those sources of solid waste within Salt Lake County, those outside Salt Lake County and those outside the State of Utah.
- h. The processing facility's proposed method 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 used to transport solid waste into and out of the processing facility and the procedures for loading and unloading the vehicles.

- j. The estimated frequency of vehicle deliveries of solid waste to the processing facility and the frequency of removal of residue and salvaged or composted materials.
- k. The names and locations of solid waste management facilities or other businesses/customers where solid waste processed at the facility and any residue will be hauled.
- l. Design criteria, rated capacities, expected performance data, and noise emission data of 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 daily quantity and characteristics of residue and the disposal location for all residue including but not limited to fly 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. Identify and explain the appurtenances and procedures intended to:
  - i. Undertake proposed daily cleanup procedures.
  - ii. Handle heavy or bulky waste, special waste, or 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.
  - v. Handle solid waste and repairs if there is a major breakdown including power failure, equipment failure or other failure inhibiting operation of the facility.
- p. The processing facility's policy on 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 to prevent and address emergencies including:
  - i. Proper selection and use of safety clothing and equipment (PPE);
  - ii. Communication methods; and
  - iii. Precautions and procedures to be employed in the event of a release or discharge such as provisions for containment, cleanup, decontamination, and Department notification.

- r. The processing facility's policy outlining procedures for exclusion, isolation, and documentation 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. Random inspections of incoming loads;
  - iii. Inspections 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 any other unauthorized solid waste identified at the facility.
- s. The processing facility's proposed method of collecting, treating and disposing any liquid waste including leachate, and other residues resulting from the operation of the processing facility.
  - t. The processing facility's proposed method of salvaging, recycling, resource recovery, or reclamation activities 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 of processed compost or waste material.
  - v. The processing facility's proposed plan for sampling and analysis of fly and bottom ash generated at the processing facility; including the frequency of sampling and analysis.
  - w. Emissions data including but not limited to the expected type of emissions, the amount of each emission, any chemical transformations of the emissions which may result after their release, dispersion patterns of the emissions, fall out and wet fall of the emissions, the impact of the emissions on non-attainment area, the type of emission monitoring including stack monitoring, the potential health impacts of the emissions and the number of people or the area which may be affected by the emissions or acceptable documentation 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 that the processing facility's operation could

potentially impact 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 water monitoring plan as described in section 4.1.6(i) of this regulation if the Department determines that the processing facility could potentially impact groundwater or surface water quality.
- aa. **Landspreading Facility Additional Requirements.** In addition to the requirements set forth in sections 4.1.2(i) a.- z. above, the report submitted by an applicant seeking permit approval for a landspreading facility shall also:
  - i. Describe the benefits of the material to be landspread.
  - ii. Describe the potential impact on human and animal health from:
    - 1. Heavy metal and toxic organic chemical uptake by crops,
    - 2. Potential loss of crop land due to the landspreading of the solid waste;
    - 3. Degradation of surface and groundwater quality due to the landspreading facility;
    - 4. Impact on soil biota;
    - 5. Impact on existing or future vegetation;
    - 6. Affect on the food chain including wildlife;
    - 7. Pathogen impact;
    - 8. Odors and potential vector attraction; and
    - 9. Any other nuisance that may be created by the landspreading facility.
  - iii. Identify and describe how the facility will address the odor impact on downwind residents and other communities surrounding the facility that could be affected.
  - iv. Identify the depth of the bedrock of the proposed site and the seasonal high groundwater.
  - v. Describe how snow will be removed prior to landspreading, how run-on and run-off from snow melt or other precipitation will be handled, and provide a description of the surface drainage patterns

of the proposed site.

- vi. Provide a chemical analysis of the soils of the proposed landspreading facility including surface soils and soils 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, reported on a dry weight basis except for pH and total solids.

**bb. Composting and Mulching Facilities Additional Requirements.**

- i. In addition to the requirements set forth in section 4.1.2(a) i a.- z. above, the report submitted by an applicant seeking permit approval for a composting or a mulching facility shall also provide:

1. A description and location of temperature and other types of monitoring equipment and the frequency of monitoring;
2. A description of any additive material, including its origin, quantity, quality, and frequency of use;
3. Special precautions or procedures for operation during wind, heavy rain, snow, and freezing conditions;
4. Estimated composting or mulching time duration, which is the time period from initiation of the composting or mulching process to its completion;
5. For windrow systems, the windrow construction, including width, length, and height; and
6. The method of aeration, including turning frequency or mechanical aeration equipment and aeration capacity.

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

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

- a. Permit applicants shall prepare a written closure and post-closure plan that describes the monitoring, routine maintenance, and other steps necessary to close the processing facility at any point during the facility's active life and complete post-closure activities in accordance with the requirements of section 4.1.4(iii). The closure and post-closure plan shall include methods and procedures that will be used to

close the facility.

- b. No modification to the closure and post-closure plan shall be made after it is approved by the Department, unless approved by the Department.
- c. A copy of the approved closure and post-closure plan shall be kept at the facility or a designated alternative location and at the Department throughout the closure and post-closure care periods.

#### 4.1.3 Landfill Plans and Specifications.

- (i) **Report Requirements.** Applicants shall report the following information to the Department upon application for a permit to construct or operate a landfill. The Department may require some of the following items to be reported by a Utah-licensed Professional Engineer.
  - a. Contact information for the owner and operator of the landfill as well as managers on duty and in charge of actual operation and maintenance of the landfill. Contact information shall include names, email addresses, mailing addresses, and telephone numbers.
  - b. Evidence of land ownership, lease agreements, and a copy of agreements or permission to use the property for a landfill.
  - c. The number of personnel to be employed at the landfill.
  - d. Hours of operations at the landfill.
  - e. The expected life span of the landfill, and the use of the land following its completion.
  - f. The present and future population and area to be served by the proposed landfill.
  - g. One or more plat maps, aerial photographs, and/or blueprints that accurately show:
    - i. The exact location of the proposed facility, its specific boundaries, and all homes, businesses, and structures within ¼ mile of the site boundaries;
    - ii. Current land use and zoning within ¼ mile of the facility; and runways within 5,000 feet of the landfill.
    - iii. Road 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 unloading areas, public and commercial;
- vii. The locations where salvaged materials will be kept;
- viii. The location of existing and proposed utilities servicing the processing facility;
  - ix. Wells, watercourses, and surface drainage channels on the landfill and within  $\frac{1}{4}$  mile of the landfill's boundaries;
  - x. Rock outcroppings and the general and irregular topography within 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 historical and current land use and the total area of the proposed landfill;
- j. A description of conditions at and improvements to the landfill to control 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.
- l. A description of surface water within  $\frac{1}{4}$  miles of the landfill, including seasonal variations, and a description of minimum and maximum groundwater elevations throughout the landfill site, groundwater flow patterns, and groundwater quality and quantity.
- m. A description of liners to be installed to prevent migration of waste, leachate and other contaminants;
- n. The availability, amounts, source, and characteristics of cover material and the cover design, including cover material needed for emergency fire control and closure.
- o. Potential leachate and decomposition gas generation, including the amount and physical and chemical characteristics of the leachate and decomposition gas, and the methods of control, monitoring, collection, treatment, and disposal.

- p. The anticipated present and future type, quantity (daily and total), and source of the solid waste to be deposited at the landfill including those sources within Salt Lake County, 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 (brand and model) available for efficient excavating, earth moving, spreading, compaction, and other needs;
  - ii. Fencing and other provisions made for control of access and the prevention of scattering of 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 maintaining an operating record of the amounts and types of solid waste accepted at the facility.
- t. The landfill's policy on personnel training to prevent and address emergencies including:
  - i. Proper selection and use of safety clothing and equipment (PPE),
  - ii. Communication methods, and
- u. Precautions and procedures to be employed in the event of a release or discharge such as provisions for containment, cleanup, decontamination, and Department notification.
- v. The landfill's policy outlining procedures for exclusion, isolation, and documentation of loads containing radioactive, hazardous, liquid, or any other unauthorized solid waste not specifically permitted to be 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. Random inspections of incoming loads;
  - iii. Inspections 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 any other unauthorized solid waste.
- w. The landfill's policy on controlling run-on and run-off.
- x. The landfill's policy on handling special wastes.
- y. The landfill's water monitoring plan as described in 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 all cells of the landfill at any point during the facility's active life and complete post-closure activities in accordance with the requirements of section 4.1.5(iii).
- 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 cell of the landfill including but not limited to:
    1. The maintenance and control of the landfill and 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, sloping, landscaping, and vegetation;
    4. The specific engineering procedures for on-site structures;
    5. The description of the monitoring and maintenance activities including frequency of performance required in sections 4.1.5(iii)(g) for each landfill or cell closed;
    6. The name, address, and telephone numbers of the persons to contact about the landfill during closure or post-closure; and
    7. A description of the planned uses of the property during post-closure care of the property.
  - ii. An estimate of the maximum portion of operation that will be open at any time during the active life of the landfill and the closing

sequence of phased operations;

- iii. An estimate of the maximum inventory of solid waste to ever exist on-site over the active life of the landfill; and
  - iv. A schedule for completion of all activities necessary to satisfy the closure and post closure requirements.
- c. No modification to the Department-approved closure and post-closure plan shall be made without the approval of the Department.
  - d. A copy of the approved closure and post-closure plan shall be kept at the facility or a designated alternative location and at 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 construction and operation of a processing facility or any time after the facility has commenced operation.
- c. A processing facility located within 500 feet of a residence shall be obscured by a fence at least 8 feet high with 75% screening.
- d. All-weather roads negotiable by loaded vehicles shall:
  - i. Be provided at the facility;
  - ii. Connect the facility with 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 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 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 processing facility shall be designed so surface drainage is diverted around or away from the operational areas of the facility.
- i. **Surfaces.** Floor surfaces shall be constructed of impervious materials, easily cleanable by flushing and 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 personnel.
- k. **Surface Impoundments.** In addition to the requirements set forth in 4.1.4(i)(a)-(i) above, surface impoundments shall comply with the following design and construction requirements:
  - i. Surface impoundments shall be greater than 2 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 free board shall at all times extend 2 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 either be constructed of an impermeable clay having a hydraulic conductivity of  $1 \times 10^{-7}$  (or less) cm/sec or a synthetic or man-made liner approved by the Department.
  - iii. The base of the surface impoundment shall be a minimum of 5 feet above both the seasonal high groundwater table and the top of bedrock.
  - iv. A 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 section 4.1.6. In lieu of or in addition to groundwater monitoring wells, the Department may require a secondary liner system for the surface impoundment.
- l. **Landspreading Facilities.** In addition to the requirements set forth in section 4.4.4(i) a. – j. 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 property line or residence is the residence of the 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 owner or operator may be required by the Department to install a minimum of one up-gradient and two down-gradient groundwater monitoring wells in accordance with section 4.1.6 of this regulation.

(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 Report requirements in subpart section 4.1.2(i) of this regulation.
- b. **Signage.** A sign shall be posted at the entrance of the processing facility that indicates the name, permit number, hours of operation, penalty for unauthorized use, necessary safety precautions, types of waste accepted or prohibited, and any other pertinent information that will ensure the 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 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 supplemental effective vector control measures shall be initiated immediately by the operator if necessary to prevent or eliminate insects and 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 with subchapter 4.1.4(ii)(d).iii of this regulation.

- vi. Owners or operators of solid waste incinerators or other processing facilities that generate fly and bottom ash residue shall provide 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 stated in the processing facility's plan required by 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. Leachate shall be sampled and analyzed prior to disposal and shall not be allowed to cause or contribute to contamination of groundwater quality; to drain or discharge into surface water except pursuant to Utah Pollution Discharge Elimination System Permit, or violate any established surface water standards.
- viii. Unless otherwise approved by the Department, all waste water from the processing facility shall be discharged into the sanitary sewer upon obtaining permission from the publicly owned treatment works.
- ix. The owner or operator of the Processing Facility 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 has on ground water and surface water quality by requiring the processing facility to conform to the requirements of section 4.1.6 of this regulation.

d. **Vehicles.**

- i. Unloading of collection vehicles shall take place only within the enclosed structure or designated areas approved by the Department.
- ii. Collection and transfer vehicles shall be loaded and operated to prevent dropping, leaking, sifting, blowing, or discharge 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 good sanitation, in no case less than every twenty four hours.
- iv. Solid waste transfer vehicles shall be cleaned as frequently as necessary to prevent objectionable odors, vector conditions, or any other nuisance from forming.

**e. Permitted and Unauthorized Waste.**

- i. A processing facility shall accept and process only those types of solid waste for which it was permitted by the Department.
- ii. Facility personnel shall be trained according to the facility's policy on how to recognize radioactive, hazardous, liquid, or any other unauthorized solid waste and shall be instructed to notify the Department immediately when any of these solid wastes are encountered.
- iii. Radioactive, hazardous, liquid or any other unauthorized solid wastes 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 of 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 to the processing facility shall be randomly selected for inspection.
- ii. The processing facility owner or operator shall inspect all suspicious loads arriving at the facility.

**g. Composting, Mulching, and Salvaging.**

- i. Materials resulting from composting, mulching, salvaging, or similar processes and offered for sale or use by the general public shall:
  1. contain pathogenic organisms of a count equal to or less than the pathogen count acceptable to the Department,
  2. not be capable of reaching self-ignition temperature upon standing,
  3. be innocuous,
  4. be relatively odor free,



5. contain no sharp particles or objects that would cause injury to persons handling the compost or material, and
  6. not otherwise endanger the public health.
- ii. **Composting Facilities:** During the composting process, the compost shall:
1. Maintain a temperature 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 moisture content of 40% to 65% within the compost throughout processing.
  3. Outdoor storage – Compost Piles: Piles of composted materials stored outside shall be stored in accordance with local fire department requirements. If no local fire department requirements have been established compost piles shall be:
    - A. Stored not less than 50 feet from any structure or property boundary,
    - B. In a volume of 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 aisles between piles sufficiently wide for fire fighting vehicle access.
  4. Outdoor storage – Compost Windrows: Windrows of composted materials stored outside shall be stored in accordance with local fire department requirements. If no local fire department requirements have been established, then compost windrows shall be:
    - A. Constructed not less than 20 feet from any structure or property boundary,
    - B. In a volume of 5,000 cubic feet or less per windrow,
    - C. A height not exceeding the reach of the machinery used to turn the compost or 25 feet, whichever is less, and
    - D. With aisles between piles a minimum width of not less than one-half the pile height or 10 feet, whichever is greater.

5. Indoor storage: Piles of composted materials stored in a closed structure shall be stored in accordance 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 have been established, then to minimize spontaneous combustion mulch piles shall be:
    1. Stored not less than 50 feet from any structure or property boundary,
    2. In a volume of 5,000 cubic feet or less per pile,
    3. A height not exceeding the reach of the machinery used to turn the mulch or 25 feet, whichever is less, and
    4. With aisles between piles sufficiently wide for fire fighting vehicle access.
  - iv. **Salvaging Facilities.** Salvaging shall be conducted in a way that prevents injury and interference with required facility operation and prevents the creation of a nuisance or vector harborage.
    1. Salvaged material not confined to an area approved by the Department shall be removed from the facility within twenty four hours of being salvaged.
    2. Drugs, cosmetics, foods, beverages, hazardous wastes or other similar materials capable of impairing public health shall not be salvaged unless permitted by the Department.
  - h. **Maintenance.** Adequate provisions shall be made for routine operational maintenance of the processing facility and all appurtenances.
    - i. Processing facilities, including access roads, shall be cleaned as often as necessary to prevent conditions creating a health hazard, littering or a nuisance.
    - ii. All plumbing shall be properly maintained and the floors drained and free of standing water; and
    - iii. All utility services shall be properly maintained.
    - iv. All operational equipment shall be repaired quickly and efficiently.
  - i. If for any reason the processing facility is rendered inoperable, 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 any discharge of solid waste including the emergency clean-up procedures, decontamination procedures, and notification procedures of emergency and 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 for emergency purposes.

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

l. **Access.**

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

m. **Operating record.** The processing facility's owner or operator shall keep and submit to the Department as requested an operating record that 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. All incoming load inspections conducted at the facility;

- viii. Groundwater monitoring, testing, or analytical data gathered pursuant to the requirements in section 4.1.6 of this regulation.
  - ix. Inspection records, training records, and notification procedures required in chapter 4.1.4(ii)(e) of this regulation; and
  - x. Other information on the operation of the processing facility not specifically mentioned in this regulation that is required by the Department.
- n. **Surface impoundments.** In addition to the requirements set forth in section 4.1.4(ii) a. – m. above, the owner or operator of a surface impoundment shall also comply with the following operating requirements:
- i. Baseline water quality data listed in Appendix A of this regulation shall be established prior to depositing any solid waste at the surface impoundment.
  - ii. Soils at the facility shall be analyzed for pH and the metals listed in Appendix A prior to depositing any solid waste at the surface impoundment.
  - iii. Further chemical analysis shall be undertaken as deemed necessary by the Department prior to depositing waste at the surface impoundment.
  - iv. The owner or operator of a surface impoundment shall verify that the cleaning, blending, or removal 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 7 days prior to emptying to facilitate inspection of the liner prior to refilling. Any damage to the liner shall be repaired prior to placing or filling the surface impoundment with any liquid, semi-liquid, or other waste.
  - vi. Samples of groundwater 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.
  - vii. Samples of groundwater from monitoring wells or other monitoring devices shall be collected and analyzed on a semi-annual basis, unless otherwise approved by the Department, for the priority metals listed in Appendix A and for persistent organic

compounds as determined by the Department.

- viii. A 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 of where the material was taken.
- o. **Landspreading Facilities.** In addition to the requirements set forth in section 4.1.4(ii) a. – m. above, the owner or operator of a landspreading facility shall also comply with the following operating requirements and prohibitions:
  - i. Materials determined hazardous by the Department, State of Utah, or the federal government shall not be landspread.
  - ii. On an interval approved by the Department, the landspreading facility owner or operator shall sample and provide for a chemical analysis of Appendix A 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 samples shall be performed on grab samples that are immediately frozen upon sampling and remain frozen throughout the storage period;
    - 3. The landspreading facility's soils; and
    - 4. The vegetation grown at the facility.
  - iii. The owner or operator of the landspreading facility shall provide to the Department the loading rates and the loading capacities of the landspreading facility, its proposed maximum levels limits and 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 section 4.1.4(ii) a.- m. above, waste tire storage facilities shall also comply with the following operating requirements. Sections ii-iv are as required by the International Fire Code.
  - i. Waste tire storage areas shall be fenced to control access.
  - ii. Tires shall be stored in a way that affords fire protection by limiting the storage area or tire piles to 5,000 square feet of continuous area with an elevation not to exceed 10 feet.

- iii. A space at least 50 feet wide shall be provided and maintained between each storage area or waste tire pile. A distance of 50 feet from the perimeter of the property and 50 feet from all buildings shall be provided and maintained. Such space 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 product to brush and forested areas.
- v. Equipment, soil and other Department approved materials shall be readily available in quantities adequate 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 give protection from an accumulation of precipitation;
  - 2. Treating with Department approved chemicals;
  - 3. Shredding tires to eliminate vector breeding, or
  - 4. Storing tires in a way that allows for complete drainage.
- vii. Approach roads and spacing between tire piles shall be maintained so that firefighting equipment can easily access fires.

(iii) **Processing Facility Closure and Post Closure Requirements.**

- a. The owner or operator of the processing facility shall close the facility in a way that 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 the close of the processing facility, the owner or operator shall notify the Department of closure. An inspection shall be made by the Department to determine corrective repair and any additional closure and post-closure care needed.
- c. At least 30 calendar days prior to closure, the owner or operator of the facility shall notify users of the facility of closure. If the users are a municipality, business, or hauler the notification shall be given directly. If the general public uses the processing facility 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 closure plan approved by the Department no later than 30 calendar days following 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 but not limited to:
  - i. Removal of 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 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 sampling and analysis of soil to assure no contamination of soils has occurred; and
  - iv. The construction of additional fencing or other appropriate structures to limit access and the posting of signs indicating closure of the facility and alternative disposal locations.
- e. Following closure and post-closure care of the processing facility, the Department shall determine if the closure and post-closure care has been completed in accordance with the closure and post-closure plan. The Department may require, prior to final approval, that a qualified engineer certify the closure.

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

##### **(i) Landfill Design and Construction Requirements.**

- a. An owner or operator of a landfill shall install groundwater monitoring wells and establish a water quality sampling and analysis program of ground and surface water prior to construction of a landfill.
- b. Landfills shall be designed in a way that protects the environment and the health and safety of employees, patrons, and the public.
- c. The landfill shall be constructed to control run-off from the active portion of the landfill during peak water discharges from a 24 hour 25 year storm. Landfill run-off control shall include suitable channeling devices, including, but not limited to, ditches, berms, or dikes, to divert surface water run-off from the land area contiguous to the landfill.
- d. A liner system shall be installed in a new landfill or new cell to minimize potential leachate migration. The liner system shall prevent both vertical and horizontal migration and shall either be constructed

of clay having a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec or a synthetic or manmade liner approved by the Department.

- e. The owner or operator of a landfill shall install gates and fencing around the facility to restrict unauthorized 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 shall be printed on the signs with lettering at least 3 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 Report requirements in section 4.1.3(i) of this regulation.
- b. Landfills shall be operated in a way 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 the following:
  - i. A safety manual and instruction on the application of the manual's procedures; and
  - ii. Personal safety devices including, but not limited to, hard hats, gloves, safety glasses and safety footwear.
- d. The owner or operator of a landfill shall maintain and make available to the Department upon request operating records 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 the incoming load;
  - iv. The type of solid waste accepted for disposal at the landfill;
  - v. The amount and location of landfill area completed;
  - vi. Groundwater monitoring, testing, or 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. Frequency of leachate testing and analysis. Unless otherwise approved by the Department, sampling and analysis for leachate shall be conducted at least:
  - a. Twice a year for landfills permitted to receive industrial waste;
  - b. Twice a year for municipal waste landfills; and
  - c. Once a year for construction and demolition landfills.
- x. Methods used to test and analyze leachate content;
- xi. Analytical data from leachate testing; and
- xii. Methods used to pump and dispose of leachate.
- xiii. Closure and post-closure plans as required in section 4.1.3(ii) of this regulation.

**e. Solid Waste Disposal Restrictions**

- i. A landfill shall not accept any hazardous or liquid waste. Municipal waste landfills may, however, accept household hazardous waste and liquid waste generated from households provided that it is not septic waste and the containers are of a capacity no greater than five gallons.
- ii. A landfill shall not accept asbestos waste for disposal unless it is permitted to accept asbestos waste.
- iii. A landfill shall not accept waste tires with a rim diameter greater than 24.5 inches, tire shreadings, or other material derived from the shredding of tires unless it is permitted to accept waste tires.
- iv. The unloading and depositing of solid waste at the landfill shall be in only 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 occur 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 detect and prevent the disposal or attempted disposal of unauthorized solid waste at the landfill. The policy shall provide protocols for:

- i. The inspection of at least 1% of all incoming daily loads to be selected at a random basis and the inspection of all suspicious incoming loads;
- ii. Keeping records of inspections conducted of incoming loads;
- iii. Training site personnel to recognize hazardous waste and unauthorized waste discovered at the landfill.

g. Landfill personnel shall notify the Department immediately if an incoming load of solid waste is rejected at the landfill or if hazardous or unauthorized waste is found at the landfill. Notice shall be made in writing and on a form prescribed by the Department. If applicable, a copy of the notice shall be given to the hauler of the rejected waste.

h. **Noise and Vector Control.**

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

i. On-site roads and other through-ways shall be passable and safe at all times. This chapter is not intended to prevent 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 entrance to the landfill indicating the landfill name, permit number, hours of operation, penalty for unauthorized use, necessary safety precautions, types of waste accepted and prohibited, and any other pertinent information required to ensure the safety and health of persons present at the facility.

- ii. The owner or operator of a landfill shall post signs throughout the facility to direct 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 case of an emergency at the facility. All operational equipment shall be repaired quickly and efficiently.
- n. Adequate equipment for trenching, compaction, and covering shall be available at the landfill during operating hours and for emergency response.
- o. 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 by a lawfully permitted recycler and in a way 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 practical. The working face shall be limited to the smallest area practical in order to confine the amount of exposed waste without interfering with effective operation procedures.
- r. At least 6 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 practical volume. Cells that will not have additional solid waste placed on them for 30 days or more shall be covered with 12 inches of cover material.
- s. Within 30 days after completing a cell, a minimum of 2 feet of compacted final cover material shall be placed over the completed cell or any portion of a landfill where no additional waste will be placed for a period exceeding 12 months. Final grading of the cell or portion of the landfill where no additional waste will be placed for a period exceeding 12 months shall be sloped to promote drainage of water away from the landfill and shall be a minimum of 2% slope and a maximum of 33% for side slopes.
- t. The final cover on any 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 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 controlled leachate recirculation process approved by the Department or a means of leachate disposal approved by the Department. Leachate shall not be allowed to drain or discharge into surface waters except pursuant to a State Pollution Discharge Elimination System Permit and shall not cause or contribute to contamination of groundwater 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 25 year storm. Run-off not 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 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 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 Federal government.
- y. **Landfills and Cells Permitted to Accept Asbestos Waste.** In addition to the operating Requirements set forth in chapters sections 4.1.5(ii)(a)-(x) above, landfills and landfill cells permitted to accept asbestos waste shall also be subject to 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 an additional operating record containing the identity of persons who have disposed of asbestos waste at the landfill and the amount of asbestos waste each person has disposed of at the landfill.

- ii. 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 the 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 be unloaded unless the material is wetted and the Department is notified.
- iii. Owners or operators of a landfill permitted to receive asbestos waste shall assure asbestos waste is unloaded in a way that minimizes breaking of containers or bags. This may require the landfill to require users to notify the facility of the time and date the asbestos waste will be transported and the volume of asbestos to be disposed of, so that the facility operator can oversee the unloading.
- iv. Unless otherwise approved by the Department, asbestos waste shall only be placed in pre-dug trenches at the landfill 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 cover material approved by the Department, such as soil that is free of debris or other objects that may puncture the asbestos containing bags or containers. Asbestos shall be covered with 2 feet of cover material if equipment will be driven over the disposal area or site or 6 inches of cover material if placed in trenches and equipment will not be driven over the disposal site;
- vi. The owner or operator of a landfill permitted to receive asbestos waste shall provide to the Department, and keep 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 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 nuisance.
- b. Final grading of the landfill shall be sloped to promote drainage of water off the landfill and shall be a minimum of 2% slope and a maximum of 33% for side slopes. Final cover material shall be well

compacted to enhance 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 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 at the landfill.
- e. The owner or operator of the landfill shall undertake closure activities of each cell in accordance with the closure plan approved by the Department within 30 days following final receipt of waste at the landfill, or cell. The Department may grant an extension to the thirty day requirement for beginning closure if it can be demonstrated that the landfill will not pose a threat to public health or the environment.
- f. Before undertaking closure activities, 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 closure and alternative disposal site 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 years or as long as the Department determines necessary for the landfill or cell. For monofills, the post-closure care period shall be ten years or 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 repairs 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 4.1.5(ii)(u) for a period of thirty years or 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 additional post-closure care consisting of but not limited to groundwater monitoring and gas monitoring for a period of time as determined by the Department to protect the public health and welfare, the environment, and prevent any nuisance.
- 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, leachate collection system, or the function of the monitoring systems, unless, upon demonstration to the Department by the owner or operator, the Department determines that the activities will not increase the potential threat to public health or the disturbance is necessary to reduce a threat to public health. The owner or operator shall obtain approval from the Department prior to 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 verifying that closure and or post-closure has been completed in accordance with the Department-approved closure plan and post-closure plan. Certification shall be completed by the Department or an independent registered professional engineer.
- 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 of the previous use of the property as a landfill and any use restrictions.
  - 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 liner (if any), or contaminated soils, the owner or operator shall first request from the Department 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 removed and no contamination of groundwater or soil is present.

(iv) **Methane Monitoring Requirements.**

- a. In monitoring methane concentrations pursuant to sections 4.1.5(ii)(w) and 4.1.5(iii)(g) of this Regulation, the owner or operator of a landfill shall gather and maintain data indicating: levels of methane concentrations found in landfill structures and at the landfill boundary; the frequency of monitoring concentrations; and the type of equipment used to monitor concentrations.
- b. To comply with the methane monitoring requirement in sections 4.1.5(ii)(w) and 4.1.5(iii)(g) of this Regulation, landfill owners or operators shall determine the type and frequency of methane monitoring according to the following criteria:
  - i. Soil conditions;
  - ii. The hydrogeologic conditions surrounding the landfill;
  - iii. The hydraulic conditions surrounding the landfill; and
  - iv. The location of landfill structures and property boundaries.
- c. If methane gas levels exceed 25% of the LEL within any structure or the LEL at the property line, the owner or operator shall:
  - i. Immediately take all necessary steps to ensure the immediate protection of human health and safety;
  - ii. Immediately notify the Department of the methane gas levels detected and the remediation steps that have already been taken; and
  - iii. Within 14 days, submit 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 implemented upon approval by the Department.

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

- (i) File and keep current with the Department an approved Water Monitoring Plan. Once approved by the Department, the owner or operator of the solid waste management facility shall comply with the requirements and incorporated standards of the Water Monitoring Plan. A Water Monitoring Plan shall include:
  - a. Proposed methods for well construction. Construction method approval shall be obtained before well construction begins.



- b. The name of the person to perform water quality sampling and their proposed sampling frequency, sampling time period, and sampling methods.
  - c. The name of the lab to perform sample analysis.
  - d. The type, method, and procedure of analysis to be performed on water samples.
  - e. A quality assurance/quality control plan for well construction and for groundwater sampling and analysis. The quality assurance/quality control plan shall be approved by the Department prior to obtaining baseline water quality pursuant to section 4.1.6(vi) of this regulation.
  - f. The baseline water quality protection standard obtained pursuant to section 4.1.6(vi) of this regulation. The owner or operator shall submit the baseline water quality to the Department within 30 days of being determined. The Department shall establish surface and groundwater protection standards based upon the baseline water quality and shall incorporate the water quality protection standard in the solid waste management facility's Water Monitoring Plan.
  - g. A proposed timetable for sampling.
  - h. Proposed statistical method for determining whether a significant change has occurred compared to baseline water quality.
  - i. Any other record or report required by the Department to ensure groundwater and surface water quality.
- (ii) Notify the Department at least 7 days prior to construction of monitoring wells to facilitate the presence of a Department representative at construction.
- (iii) Install monitoring wells according to the following specifications:
- a. Unless specified elsewhere in this regulation, the number of monitoring wells to be installed and the depth of up gradient and down gradient wells shall be determined by the Department based on on-site terrain features; the type of solid waste to be deposited, treated, or processed; soil type and conditions at the solid waste management facility; hydrogeologic conditions surrounding and beneath the facility; and hydraulic conditions surrounding and beneath the facility including 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 sampled strata, and between aquifers and water bearing strata.

- c. Monitoring wells shall be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative groundwater samples.
  - d. Monitoring well 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 to design specifications throughout the entire period of Department required monitoring.
  - (v) Notify the Department at least 7 calendar days prior to sampling to facilitate the presence of a Department representative during sampling and to collect duplicate samples, if deemed necessary by the Department.
  - (vi) Obtain baseline water quality during the first year after wells are installed, unless otherwise approved or required by the Department. Baseline water quality shall be established prior to deposition of waste in the landfill and shall be obtained by analyzing a 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 of this Regulation and any other parameters requested by the Department.
  - (vii) After background constituent levels have been established, the Department will set a surface water and ground water quality standard that will become part of the permit.
  - (viii) After baseline water quality has been established, sample for routine parameters listed in Appendix A of this Regulation. The Department may modify this requirement on a case-by-case basis depending upon the nature of the groundwater, the surface water, or the solid waste management facility by considering:
    - a. The types, quantities, and concentrations of constituents in solid wastes found at the solid waste management facility;
    - b. 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 baseline water quality values and coefficients of variation of monitoring parameters or constituents in the groundwater.

- (ix) Conduct 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 are in accordance with the method listed in the latest edition of EPA compendium SW-846 or other Department approved methods, and are representative samples collected in accordance with the quality assurance/quality control plan approved by the Department.
- (xi) Have a Utah Certified Environmental Laboratory complete sample analysis using methods found in EPA compendium SW-846 "Test Methods for Evaluating Solid Waste," latest edition, or other Department approved methods.
- (xii) Determine whether a significant change to baseline water quality has occurred using a statistical method proposed in the landfill's Water Monitoring Plan and approved by the Department. Possible statistical methods include:
  - a. A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between 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 include estimation and testing of the contrasts between each downgradient monitoring well's median and baseline water quality median levels for each constituent;
  - c. Tolerance or prediction interval procedure in 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 the upper tolerance or prediction limit;
  - d. A control chart approach that gives control limits for each constituent;  
or
  - e. Other Department approved statistical test methods.
- (xiii) If the concentration of any of the parameters listed in Appendix A of this regulation at any time statistically exceeds the established baseline parameters, take the following actions:
  - a. Within 14 days of receipt of the sample analysis results notify the Department of this finding in writing and record the information in the operating record. The notification shall indicate what parameters or

constituents have shown statistically significant changes; 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, determine the concentration of all constituents listed in appendix A of this regulation and additional constituents that may have been identified in the Water Monitoring Plan, and whether there is a statistically significant change such that the established groundwater or surface water quality protection level has been exceeded, and notify the Department in writing within 7 days of receipt of the sample analysis results.
  - 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, statistical evaluation, or natural variation in groundwater or surface water quality. A report documenting this demonstration shall be certified by a Department-approved groundwater scientist and entered in the operating record. If a successful demonstration is made and documented, the owner or operator may continue monitoring as specified in section 4.1.6(viii).
- (xiv) If, after 90 days, a successful demonstration as allowed in section 4.1.6(xiii)(c) is not made initiate an assessment monitoring program required as follows:
- a. Take one sample from each down-gradient well or surface water point and analyze for all constituents listed in Utah Administrative Code R315-308, Solid Waste Permitting and Management Rules.
  - b. For any constituent detected from the constituents listed in Utah Administrative Code R315-308, Solid and Hazardous Waste Permitting and Management Rules in the downgradient wells or downstream point, a minimum of four independent samples from each upgradient well or upstream 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 the constituents; and
  - c. Within 14 days of the receipt of the results of the analysis of the samples, notify the Department in writing identifying the constituents listed in Utah Administrative Code R315-308, Solid and Hazardous Waste Permitting and Management Rules and their concentrations that have been detected as well as baseline levels and record the data in the operating record. The Department shall establish a groundwater or surface water quality protection standard pursuant to section 4.1.6(vi) for any constituents listed in Utah Administrative Code R315-308, Solid and Hazardous Waste Permitting and Management Rules detected in the downgradient wells.

- d. The owner or operator shall thereafter resample:
    - i. All wells or surface water on a quarterly basis for all constituents in Appendix A of this Regulation, or an alternative list that may have been approved and incorporated into the facility's water monitoring plan, and for those constituents detected from the constituents listed in Utah Administrative Code R315-308, Solid and Hazardous Waste Permitting and Management Rules; and
    - ii. The downgradient wells or surface water points on an annual 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 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 of this finding and may, upon approval, return to the monitoring schedule and constituents as specified in subparts 4.1.6(viii)-(ix).
- (xv) If one or more constituents from Appendix A of this regulation or an approved alternative list, or from those 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) in any sampling event, take the following actions:
- a. Within 14 days of the receipt of this finding, notify the Department of the identified the constituents and concentrations that have exceeded the groundwater or surface water quality 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 sample one additional surface water monitoring point at the facility boundary in the direction of contaminant migration and sample this well and analyze the sample for the constituents in 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 persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have

migrated off-site as indicated by sampling of wells or surface water points in accordance with sections 4.1.6(xiv)(b)-(c); and

- e. The solid waste management facility owner or operator may demonstrate that a source other than the facility caused the contamination or that the statistically significant change resulted from error in sampling, analysis, statistical evaluation, or 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 sections 4.1.6(viii)-(ix) when applicable.

(xvi) If, within 90 days, a successful demonstration as stated in chapter 4.1.6(xv)(e) is not made, take the following actions:

- a. Continue to monitor as required in chapter 4.1.6(xiv)(d).
- b. Take any interim measures as required by the Department or as necessary to ensure the protection of human health and the environment; and
- c. Assess possible corrective action measures for the current conditions and circumstances of the solid waste management facility, addressing at least the following:
  - i. The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control exposure to any residual contamination;
  - ii. Time required to begin and complete the remedy;
  - iii. The costs of remedy implementation;
  - iv. Public health or environmental requirements that may substantially affect implementation of the remedy; and
  - v. Prior to the selection of a remedy, discuss the results of the corrective measures assessment in a public meeting with interested and affected parties.
- d. Based on the results of the corrective measures assessment conducted and the comments received in the public meeting, the owner or operator shall select a remedy which shall be submitted to the Department.
  - i. The corrective action remedy shall:

1. Be protective of human health and the environment;
  2. Use permanent solutions that are within the capability 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 threat to human health or the environment; and
  5. Be approved by the Department.
- ii. Within 14 days after the selection of the remedy, the owner or operator shall submit a report to the Department for approval describing the selected remedy and amendments, along with a schedule of implementation and estimated time of completion.
- (xvii) Upon approval of the selected corrective action remedy, the Department shall notify the owner or operator of such approval and require that the corrective action plan proceed according to the approved schedule.
- a. The Department may also require solid waste management facility closure if the groundwater or surface water quality standard is exceeded and, in addition, may revoke any permit and require reapplication.
  - b. The Department or the owner or operator may determine, based on information developed after implementation of the corrective action plan, that compliance with the requirements of section 4.1.6(xvi)(d)(i) is not being achieved through the remedy selected. In 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 notification shall contain certification signed by the owner or operator and a qualified environmental scientist that the concentration of contaminant constituents has been reduced to levels below the specified limits of the groundwater or surface water quality standard for a period of three years or an alternative length of time specified by the Department. Upon approval, the owner or operator shall:
    - i. Terminate corrective action measures; and
    - ii. Continue detection monitoring as required subparts 4.1.6(viii) and (ix).

- (xviii) Upon Department approval and approval from any State and Federal permitting agency for closure of a solid waste management facility, the owner or operator of said facility shall submit plans for abandonment of all monitoring wells for which the facility owner is responsible. Well abandonment shall be conducted in accordance with Utah Administrative Code R655-4-14, Abandonment of Wells. The owner of said facility shall also provide copies to the Department of all well abandonment reports, plans, and other documentation associated with the facility's well abandonment.

## 4.2 Haulers.

### 4.2.1 Permit Requirements and Approval Process.

- (i) **Permits.** No person shall operate as a hauler without obtaining a valid permit issued by the Department according to the requirements set out in section 4.2.1 of this regulation.
- a. **Waste Hauler Permit.** A Waste Hauler Permit is required for a hauler who hauls non-liquid, non-infectious solid waste.
  - b. **Waste Tire Hauler Permit.** A Waste Tire Hauler Permit is required for a hauler who hauls waste tires.
  - c. **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.
  - b. A person who transports asbestos waste and is a properly licensed and permitted asbestos contractor.
  - c. A person who hauls 10 or fewer waste tires per month.
  - d. A home healthcare agency that transports less 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.



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

- a. **Approved Form.** Application for a permit to operate as a hauler shall be submitted on the Department approved form.
- b. **Fees.** To be approved for 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 section 5.2.1 of this regulation and the Department's Fee Schedule.
- c. **Safety Plan.** Applicants for a permit to operate as a hauler shall also submit a written safety plan in accordance with section 4.2.10 of this regulation.
- d. **Vehicle Inspection.** Upon permit application, applicants for a permit to operate as a hauler shall make available to the Department for inspection each vehicle used by the hauler for solid waste collection. As part of the vehicle inspection, the hauler shall provide the following information:
  - i. The vehicle identification number, make, model, year, and license plate number for each vehicle they use for waste collection.
  - ii. The names and addresses of all locations the hauler uses for disposal of waste.
- e. **Insurance Coverage.** Upon permit application, 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 sudden accidental releases of used oil from its vehicles and other equipment and containers used during transit, loading and unloading and shall maintain this 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 haulers shall obtain commercial automobile liability insurance that provides coverage for owned, hired, and non-owned automobiles, in the minimum amount of \$1,000,000 per occurrence.
  - iii. All 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. All policies of insurance shall be issued by 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. Applicant shall furnish certificates of insurance and waste hauler pollution liability endorsement, acceptable to the Department, verifying the foregoing matters upon receipt of permit and thereafter as required.
- vi. In the event any work is subcontracted, Applicant shall require its subcontractor to secure and maintain all minimum insurance coverages required of the Applicant hereunder.
- vii. All required certificates and policies shall provide that coverage thereunder shall 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, passage of vehicle inspection, and proof of adequate liability coverage, the Department shall issue the following documents to the Hauler Applicant:

- (i) An inspection report signed by the Department stating that the vehicle identified by the report has passed inspection;
- (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
- (iii) 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 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 tailgate or hopper of the vehicle shall be constructed so the contents of the body will not spill or blow from the vehicle while in motion;

- (vi) A heavy-duty canvas or other acceptable heavy-duty cover that is adequate in size to cover the open body of the vehicle shall accompany the vehicle;
- (vii) The name and telephone number of the person owning the vehicle and the size capacity of the truck body or tank shall be permanently affixed on the body in letters and numbers that are legible and are at least 3 inches high;
- (viii) All equipment attached to a vehicle hauling liquid or hazardous waste, including, but not limited to, pumps, hoses, valves, and the containers or tanks or both used to contain or pump the waste, shall be maintained water-tight and in good repair; and
- (ix) 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 collection and transportation of solid waste shall be maintained in good condition and cleaned with a frequency and method approved by the Department to prevent the propagation or attraction of flies, rodents, or other vectors and prevent the creation of a nuisance. The cleaning of equipment used for the collection and transportation of solid waste, including all vehicles, shall be done in compliance with the requirements of the Utah Water Quality Act.
- (ii) A collection vehicle that fails to meet the requirements of this regulation shall not be used to collect or transport solid waste until such repairs are made that bring the vehicle into compliance with this regulation. If repairs are not made, the permit issued for the vehicle shall be revoked pursuant to section 5.6 of this regulation.

4.2.5 **Vehicles To Be Used for Permitted Use Only.** Solid waste collection and transportation vehicle shall be used to collect and transport only solid waste for which they were 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 a facility permitted by the State of Utah or by the United States of America. Such facilities shall be approved to receive such waste and approved by the Department. No hauler shall:

- (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 transporting except that solid waste may remain for a longer period of time in an emergency, such as severe weather conditions, equipment 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 covered completely or secured to prevent littering or discharge.
- (iii) Operate any vehicle used for the collection and transportation of solid waste in a way that the contents discharge from the vehicle. If a discharge occurs during collection or transportation, the material shall be picked up immediately by the hauler and returned to the vehicle and the area shall be properly cleaned.
- (iv) Collect, haul, or transport any solid waste, except in a sanitary container or vehicle especially constructed for that purpose and with a valid permit from the Department; 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 legibly printed 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 with tight-fitting lids or other covers approved by the Department.
- (iv) Containers for materials other than liquid waste shall be constructed with wide necks and mouths and tapered sides to prevent clogging and littering if containers are emptied manually.
- (v) Containers shall be maintained in a clean condition and in good repair including repainting if necessary to prevent rust and corrosion. If the hauler furnishes containers, the hauler shall be responsible for maintaining the containers in a clean and good condition. The hauler shall have the proper facilities and equipment to clean and repair the waste containers provided or the hauler shall have working arrangements with a person who provides that service. The hauler shall plan and work with the property owner or occupant or both for placement of the storage containers to minimize traffic or other hazards and the prevention of a nuisance. Containers shall be placed in areas least offensive to adjoining properties and shall not be placed or located on a parking strip, except for the day of collection, or stored within 3 feet of an adjoining property.
- (vi) Containers emptied by machinery shall be designed and constructed 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) Containers not meeting these requirements shall not be used without approval from the Department.

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

4.2.9 **Record Keeping and Reporting.** At the request of the Department, a hauler shall report to the Department the names and addresses of all places of business or persons where collection of solid waste is made and where such 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 a written safety plan for the collection, transportation, and disposal of solid waste. Each hauler shall be trained in each part of the safety plan prior to the collection, transportation, or disposal of solid waste and prior to the operation of the 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 vehicle;
- (ii) The proper methods of collecting, transporting, and unloading solid waste;
- (iii) Requirements for the collection, transportation, and disposal of solid waste, including the prohibited acts listed in this regulation relating to the collection, transport, and disposal of solid waste. The regulatory requirements pertaining to the type of solid waste that the operator is permitted to collect and transport;
- (iv) A description and understanding of the characteristics of solid waste and its hazardous properties; and
- (v) The procedures that must be followed if:
  - a. Actual or potential injury results from contact with solid waste;
  - b. Spillage of solid waste occurs during collection or transportation including containment, cleanup, decontamination, and Department notification;
  - c. Hot or burning solid waste loads are encountered; or

- d. Unauthorized waste material is deposited in the containers to be collected.
- (vi) A description of additional procedures to prevent and address emergencies including
  - a. 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.**

- (i) 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.
- (ii) 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.

#### 4.2.13 **Additional Requirements Pertaining to Infectious Medical Waste Haulers.**

- (i) Each side of the infectious medical waste collection and transportation vehicle shall 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 red labeling on a white background stating “INFECTIOUS WASTE” or “BIOHAZARD” accompanied by the international biohazard symbol. All vehicles hauling more than 25 pounds of infectious medical waste shall have proper signage.
- (ii) Infectious medical waste may 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 other solid waste unless the infectious medical waste is separately contained in rigid reusable containers, kept separate by barriers from the other waste, or unless all the waste 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 loading and unloading has been approved by the Department or the unloading is done at an infectious medical waste transfer station permitted under section 4.1.1(i)(a) v of this regulation. Such facility shall keep the infectious medical waste in a secured area separate from other wastes. If the infectious medical waste is to be stored for longer than three hours following unloading at the facility, such storage shall be in a refrigerated unit capable of cooling and maintaining the medical waste at or below a temperature of 32 degrees Fahrenheit.
- (vi) Employers of persons engaged in manually loading and/or unloading containers of infectious medical waste on or from transport vehicles shall provide and require the wearing of protective gloves, coveralls, and, if

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) Surfaces of transport vehicles that have come into contact with infectious medical waste shall be decontaminated.

**4.3 Additional Requirements Regarding 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 process, dispose 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 performing medical procedures for residents shall take all infectious medical waste generated by these 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 prevented from providing a breeding place or food source for insects, rodents, or other vectors nor shall it cause any other nuisance or public health hazard. All containers of infectious medical waste shall be stored in a manner that minimizes odors and is not in or near patient areas or food storage or preparation areas.
- (v) Medical sharps, including but not limited to syringes and needles, capable of causing skin puncture shall be contained for disposal as infectious medical waste in metal or rigid plastic puncture resistant containers, equipped with tight fitting lids, completely enclosed and capable of preventing contact and spillage.
- (vi) Infectious medical waste, except 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 mills, or equivalent tensile strength. The bags and containers shall be securely tied or sealed to prevent leakage during storage, handling, or transport.
- (vii) All bags and containers used for containment and disposal of infectious medical waste shall be red in color or, if another color, conspicuously labeled with the words "INFECTIOUS WASTE," "BIOHAZARD," or with the international infectious waste symbol.
- (viii) Areas in which infectious medical waste is stored shall be labeled with the words "INFECTIOUS WASTE," "BIOHAZARD," or with the



international infectious waste symbol.

- (ix) All generators of infectious medical waste shall have and provide for their employees a written plan that includes: the type of waste handled as infectious medical waste; the treatment, storage, and disposal procedures employed by the generator; the procedures to be followed if any person comes in contact with infectious medical waste; and the safety procedures all employees will follow related to handling infectious medical waste. The plan shall be kept on file and available to the Department on request and the Department may verify that all employees are properly trained. The employer shall review and update the plan annually or more often if necessary.
- (x) Reusable pails, drums, dumpsters, or bins used for containment of infectious medical waste shall not be otherwise used unless properly decontaminated as per section 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.** 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 exposure to hot water of at least 180 degrees Fahrenheit (82 degrees Celsius) for a minimum of 15 seconds; or
- (ii) By exposure to a chemical sanitizer by rinsing with or immersion in one of the following for a minimum of three minutes:
  - a. Hypochlorite solution (500 milligrams per liter available chlorine);
  - b. Phenol solution (500 milligrams per liter active agent);
  - c. Iodoform solution (100 milligrams per liter available iodine);
  - d. Quaternary ammonium solution (400 milligrams per liter active agent);or
- (iii) Other methods approved by the Department.

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

- (i) Grinders shall not be used to process infectious medical waste until after the waste has been rendered non-infectious. Infectious medical waste in bags or other disposal containers shall not be subject to compaction by any compacting device and shall not be placed in a portable or mobile trash

compactor for storage or transporting.

- (ii) Unless landfilling is the only available alternative, infectious medical wastes consisting of recognizable human anatomical remains and fetal remains shall be disposed by incineration, at a crematory, or internment at a cemetery.
- (iii) Unless otherwise approved by the Department, treatment of infectious medical waste shall be 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 to 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 it is otherwise non-hazardous.
  - b. By 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 written operating procedures for each steam sterilizer including time, temperature, pressure, type of waste, type of containers, closure on containers, pattern of loading, water content, and maximum load quantity;
    - ii. Attainment of a temperature of 250 degrees Fahrenheit (121 degrees Celsius) for one-half hour or longer, depending on quantity and compaction of the load, in order to achieve sterilization of the entire load. A check of recording and or indicating thermometers shall be made during each complete cycle to ensure the required temperature attainment. Thermometers shall be calibrated at least annually or more frequently if needed;
    - iii. Use of heat sensitive tape or other device for each container that is processed to indicate the attainment of adequate sterilization conditions; and
    - iv. Use of the biological indicator, *Bacillus stearothermophilus* placed at the center of a load at least every 20 cycles or once a month, whichever is less, to confirm the attainment of adequate sterilization conditions.

- (iv) Unless otherwise approved by the Department, disposal of infectious medical waste shall be by one of the following methods:
  - a. By burial at a landfill approved to accept infectious medical waste, provided the waste is buried immediately with cover material or non-infectious solid waste prior to compaction to ensure that equipment and persons are not contaminated by subsequent compaction and covering operation.
  - b. By discharge to 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) Trash 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 & 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 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)-

(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)-(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 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.
- (x) **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)-(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.

- (xi) **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.
- (xii) **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)-(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.
- (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)-(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.
- (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
- (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.
- (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.

#### 5.4 **Late Fees and Follow-Up Inspection Fees.**

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

5.4.2 Fees unpaid to the Health Department after one month days of the due date will be assessed a penalty of 10% of the outstanding balance. Failure to pay the fees and additional charges 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 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.

5.4.3 **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.

5.4.4 **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.

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

5.6 **Denial, Suspension, or Revocation of Approval or Permit.** Any approval, permit, or application for permit renewal received or issued pursuant to this regulation may be denied, suspended, or revoked by the Department following notice and opportunity for a hearing:

5.6.1 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;

5.6.2 Submission of incorrect or false information in the application, reports, plans, or specifications;

5.6.3 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;

- 5.6.4 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;
- 5.6.5 Violation of any rule or regulation, restriction, or requirement adopted by the Department;
- 5.6.6 Violation of any condition on which the permit was issued;
- 5.6.7 Failure to pay to the Department the permit or tonnage fee required in Section 5.2 or failure to post or maintain the surety bond required in section 4.1.1(iii);
- 5.6.8 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);
- 5.6.9 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
- 5.6.10 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.
- 5.6.11 Failure to pay all charges, including late fees after 100 days of the due date.
- 5.6.12 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

- 6.1 To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.
- 6.2 **Authority for Department to Enter Premises.**
  - 6.2.1 **Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to ensure 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.
  - 6.2.2 **Consent by License or Permit:** The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

6.3 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.

6.4 **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 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 regulation or the Department has other reasonable grounds to believe that there has been a violation of any part of this regulation or that the property owner or otherwise responsible party is not in compliance with this 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.

7.1 **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:

7.1.1 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;

7.1.2 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;

7.1.3 The degree to which the offender is a known violator and has avoided prior actions by the department;

7.1.4 The degree to which prosecution might deter future violations;

7.1.5 The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;

- 7.1.6 The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.1.7 The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.1.8 Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

7.2 **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 class 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 party aggrieved by an NOV may request 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 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 and cause every nuisance 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 nuisance 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 \_\_\_\_\_, 2017.

**SALT LAKE COUNTY BOARD OF HEALTH**

By: \_\_\_\_\_  
Brooke Hashimoto, Chair

**ATTEST:**

By: \_\_\_\_\_  
GARY L. EDWARDS, M.S.  
Executive Director  
Salt Lake County Health Department

## APPENDIX A

### Water Quality Analysis Table

Solid Waste Permitting and Management Rule  
Utah Administrative Code R315-30

	GROUND AND SURFACE WATER		LEACHATE
	Baseline Parameters	Routine Parameters	All Samples
<b>FIELD PARAMETERS</b>			
Dissolved Oxygen (DO) <sup>1</sup>	X	X	X
Floaters or Sinkers <sup>2</sup>	X		X
Odor <sup>3</sup>	X	X	X
pH	X	X	X
Specific Conductance	X	X	X
Static Water Level	X	X	X
Temperature	X	X	X
<b>LEACHATE INDICATORS</b>			
Alkalinity	X	X	X
Ammonia	X	X	X
Bicarbonate	X	X	X
Biochemical Oxygen Demand (BOD)	X		X
Carbonate <sup>4</sup>	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
<b>METALS <sup>5</sup></b>			
Aluminum	X		X
Antimony	X	X	X
Arsenic	✗	✗	✗
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 Parameters	Routine Parameters	All Samples
<b>METALS <sup>5</sup></b>			
Silver	X	X	X
Sodium	✕	✕	✕
Thallium	X	X	X
Vanadium	X	X	X
Zinc	X	X	X
<b>ORGANIC CONSTITUENTS</b>			
Volatile Organics <sup>6</sup> (as listed below)	X	X	X
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

<sup>1</sup> Surface water and leachate only.

<sup>2</sup> Any floaters or sinkers found shall be analyzed separately for baseline parameters.

<sup>3</sup> Any odors noticed during well development, purging, or sampling must be noted and reported.

<sup>4</sup> Carbonate must be calculated unless the pH is above 8.2.

<sup>5</sup> Standard analytical procedures for the heavy metals are provided in EPA Report SW-846 "Test Methods for Evaluating Solid Waste" 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.

<sup>6</sup> Standard analytical procedures for the organic constituents are provided in SW-846 as Method 8260.