STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH
SOLID WASTE AND PESTICIDES PROGRAM

610 University Avenue
Fairbanks, Alaska 99709
PHONE: (907) 451-2108
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http://www.dec.state.ak.us/

February 2, 2010

Certified Mail #_7009 1410 0002 1106 7502
Return Receipt Requested

File Number: 150.15.003

Alan Renshaw
Usibelli Coal Mine, Inc.
P.O. Box 1000
Healy, AK 99743-1000

RE: Solid Waste Permit No. **SWZA046-15**

Dear Mr. Renshaw:

The Alaska Department of Environmental Conservation (DEC) has completed its evaluation of your permit application for the Usibelli Coal Mine Inert Waste Landfill. Please review the conditions and stipulations in the permit and ensure that they are understood. This permit is being issued in accordance with Alaska Statute (AS) 46.03; Title 18, Chapter 15 of the Alaska Administrative Code (18 AAC 15); and the Solid Waste Regulations (18 AAC 60).

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. **Informal review requests** must be delivered to the Division Director, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501 within 15 days of the permit decision. **Adjudicatory hearing requests** must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived. More information regarding submitting a request for an informal review or adjudicatory hearing may be found at www.dec.state.ak.us/commish/ReviewGuidance.htm. Even if an adjudicatory hearing has been requested and granted, all permit conditions remain in effect unless a stay has been granted.

Please note that the current permit for this facility, #9531-BA001, is still in force through February 28, 2010. If you have any questions, or require any additional information, please do not hesitate to contact Ken Spiers at (907) 451-2134.

Sincerely,

Douglas J. Buteyn
Northern Solid Waste Program Coordinator

Attachment: Permit #SWZA046-15, expiring on **March 1, 2015**

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
610 University Avenue
Fairbanks, AK 99709

SOLID WASTE DISPOSAL PERMIT

Permit No. **SWZA046-15**

Date Issued: March 1, 2010
Date Expires: March 1, 2015

The Alaska Department of Environmental Conservation (DEC), under authority of AS 46.03 and 18 AAC 60, issues a solid waste disposal permit to:

Alan Renshaw
Usibelli Coal Mine, Inc.
P.O Box 1000
Healy, AK 99743

and designated representatives for management and operation of an inert solid waste disposal facility. It authorizes the disposal site to be located at different places within the Poker Flats and Two Bulls Ridge mining areas. Usibelli Mine will accept various inert wastes to include coal ash from the Golden Valley Healy #1 power plant. Ash and other inert waste may be disposed in the same pit. Usibelli will separate potentially hazardous wastes from inert wastes prior to disposal of the latter into the landfill.

The landfill is located about 3 miles north of Healy, Alaska in T12S, R7W, Sections 4/5, Fairbanks Meridian, and in T11S, R7W, Sections 33/34, Fairbanks Meridian.

The permit holder shall manage and operate the facility in accordance with 18 AAC 60 and the permit application materials. In addition, the following permit-specific terms and conditions are required:

General Conditions

1. Access and inspection - The Permittee shall allow the Commissioner or his representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.

2. Information access - Except for information relating to confidential processes or methods of manufacture, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the State of Alaska, Department of Environmental Conservation, 610 University Avenue, Fairbanks, AK 99709.

3. Civil and criminal liability - Nothing in this permit shall relieve the Permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including, but not limited to, accidents, equipment breakdowns, or labor disputes.

4. Availability - The Permittee shall post or maintain a copy of this permit available to the public at the disposal facility.

5. Adverse impact - The Permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to determine the nature and impact of the noncomplying activity. The Permittee shall clean up and restore all areas adversely impacted by the noncompliance.

6. Cultural or paleontological resources - Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division of Parks and Outdoor Recreation, Department of Natural Resources, is to be notified immediately (907-269-8721).

7. Applications for renewal - In accordance with 18 AAC 15.100(d), applications for renewal or amendment of this permit must be made no later than 30 days before the expiration date of the permit or the planned effective date of the amendment.

8. Other legal obligations - The requirements, duties, and obligations set forth in this permit are in addition to any requirements, duties, or obligations contained in any permit that the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency has issued or may issue to the Permittee. This permit does not relieve the Permittee from the duty to obtain any and all necessary permits and to comply with the requirements contained in any such permit or with applicable state and federal laws and regulations. All activities conducted by the Permittee pursuant to the terms of this permit and all plans implemented by the Permittee pursuant to the terms of this permit shall comply with all applicable state and federal laws and regulations.

9. Pollution prevention - In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the Permittee shall consider the following order of priority options: waste source reduction; recycling of waste; waste treatment; and waste disposal.

Stipulations

WET ASH (John?)

1. Dust Control. The Permittee shall ensure that truckloads of coal ash are covered to prevent ash from becoming air borne.

2. Visual Monitoring. The Permittee shall inspect each active disposal site monthly and keep records of inspections in the operating record.

3. Submittals. The Permittee shall provide updated site plans to the Department each year by the anniversary date of the permit. The site plans, for each disposal site, will show the depth and extent of waste placement to that point.

4. Closure and post-closure

A. Intermediate closure of inert waste cells

The permittee shall:

(1) ensure that closed inert waste cells are covered with a minimum of 5 feet of fill material within 90 days of the last waste deposition in the cell,

(2) ensure that the closed cells are graded to promote surface water runoff, to prevent ponding and erosion, and to minimize the amount of water entering the solid waste,

(3) notify the Department upon closure of an inert waste cell, and inform the Department of the location of any new inert waste cell within the permit area and when the cell began receiving waste. The annual site plan update will reflect changes in cell locations,

(4) visually monitor each intermediately closed inert waste cell for the first five years after closure, or until additional fill is placed over the cell as part of the approved reclamation plan. The closed cells should be monitored for signs of damage or potential damage from settlement and erosion, and

(5) submit, for each inert waste cell, a report to the Department at the end of the post-closure period, that contains

- photographs of each inert waste cell after intermediate closure; and
- a description of any problems detected and corrective actions taken during post-closure visual monitoring.

B. Final closure

The Permittee shall:

(1) notify the Department's Fairbanks Office at least 60 days before the site is to be permanently closed and equipment removed from the site,

(2) ensure that site closure and reclamation will be conducted in accordance with the Operation and Reclamation Plan submitted as part of the Surface Mining Permit issued by the Alaska Department of Natural Resources, Division of Mining,

(3) prepare and submit a survey as-built or record drawing to the Department showing the location, types, and volume of waste deposited at the facility. Provide a copy to any purchaser or transferee at the time of property sale or lease and file those records with the nearest ADEC Solid Waste Program Office within 60 days of the final closure or expiration date of this permit, and

(4) file the survey as-built or record drawings of the area used as a landfill with the State Recorder's Office or other appropriate land records office approved by the Department. Also file a plat note or other file notation informing future property owners that use of the land must not result in the disturbance of the final cover, cap or other structures or devices installed as part of the closure, unless approved by the Department. Submit proof of the land records filings to the Department within 60 days after the entire facility is permanently closed to landfilling or expiration date of this permit.

This permit expires on March 1, 2015 and may be revoked or amended in accordance with 18 AAC 60.260. The permit can be renewed if the facility will operate beyond this date. To avoid expiration of this permit, a renewal application must be submitted to DEC at least 30 days before the expiration date, as set forth in 18 AAC 15.110.

Douglas J. Buteyn
Northern Solid Waste Program Coordinator