

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

Waste Tire Storage Facility

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Part 1; and *Waste Tire Recycling Act*, Title 19, Chapter 6, Part 8, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

Miller Motorsports Park, Utah, LLC

is hereby approved to operate a waste tire storage facility located in Southwest 1/4 section of Section 5., Township 3 South, Range 5 West, Salt Lake Base and Meridian, Tooele County, Utah as shown in the permit application that was determined complete on February 6, 2006.

The operation of the waste tire storage facility is subject to the condition that Miller Motorsports Park, Utah, LLC (Permittee) meet the requirements set forth herein.

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

Effective date: March 17, 2006.

Expiration date: March 16, 2011.

Signed this _____ day of _____, 2006.

Original Document signed by Dennis R. Downs on 3/16/06

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

PERMIT REQUIREMENTS

FACILITY NAME: Miller Motorsports Park Waste Tire Storage Facility

OWNER NAME: Miller Motorsports Park, Utah, LLC

OWNER ADDRESS: 2901 North Sheep Lane
Tooele, Utah 84074

OWNER PHONE NO.: (801) 563-4250

OPERATOR NAME: Miller Motorsports Park, Utah, LLC

OPERATOR ADDRESS: 2901 North Sheep Lane
Tooele, Utah 84074

OPERATOR PHONE NO.: (801) 563-4250

TYPE OF PERMIT: Waste Tire Storage Facility

PERMIT NUMBER: 0601

LOCATION: Waste tire storage site is located in Township 3 South, Range 5 West, Section 2., SLBM; Tooele County, Lat. 89° 38' 52", Long. 00° 13' 41"

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

The application, including Utah Waste Tire Storage Facility Application Form, Utah Waste Tire Storage Facility Application Checklist, Site Drawings, Legal Description, Lease Agreement, and Tire Usage at Miller Motorsports Park Document, as deemed complete on February 6, 2006 are hereby approved and incorporated by reference into this Solid Waste Permit and will be referred to as the permit application throughout this permit. All representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2) and UCA 19-6-821. The permit application will become part of the operating record of the waste tire storage facility. Where differences in wording exist between this permit and the application, the wording of The Permit supersedes that of the application.

The facility as described in this permit and the permit application consists of waste tires stored as walls constructed at various locations as a safety system at a motorsports race track. The walls of waste tires are constructed to cushion impact and remain in place after impact.

By this permit to operate, the Permittee shall be subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the waste tire storage facility in accordance with the conditions of this Permit and with all requirements of UAC R315-314-3, that are in effect as of the date of this permit unless otherwise noted in this permit. Any permit noncompliance or noncompliance with any applicable portions of UCA 19-6-101 through 123, UCA 19-6-801 through 824 and applicable portions of UAC R315-301 through 320 constitutes a violation of the permit or applicable statute or rule and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

B. Noncompliance

If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittee shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

It shall not constitute a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittee from obtaining any other local, State or Federal permits or approvals.

The issuance of this Permit does not convey any property rights, other than the rights inherent in this permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.

The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

C. Inspection and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Tooele County Health Department, to enter at reasonable times and:

1. Inspect the waste tire storage facility or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste tires or control facilities required under the Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

D. Revocation

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

Revocation of this permit does not revoke the financial assurance established for the facility, nor remove any responsibility on the part of the permittee for removal and recycling of waste tires stored at the facility.

Revocation of this permit will necessitate that the Executive Secretary exercise the option to require the funds or other mechanism provided for financial assurance for removal and recycling of waste tires stored at the facility.

E. Attachment Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

F. Recycling Status

Unless otherwise approved by the Executive Secretary, all tires stored at the Miller Motorsports Park, Utah, LLC were generated out of the state of Utah and do not qualify for the waste tire recycling rebate described in UCA 19-6-801 through 824.

G. Acceptable Waste

This permit is for storage of waste tires. No other waste may be accepted for storage, treatment or disposal at the facility.

H. Maximum Facility Capacity

The total number of waste tires that may be stored at the facility at any one time may not exceed 75,000 waste tires.

II. WASTE TIRE STORAGE FACILITY OPERATION

A. Operations Plan

The operations plan included in the permit application shall be kept onsite at the facility. The facility shall be operated in accordance with the operations plan as included in the permit application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Operations Plan shall be noted in the operating record. Plan changes that are found by the Executive Secretary to be less protective of human health or the environment than the approved plan may subject the Permittee to administrative actions including revocation and penalties.

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

B. Security

The Permittee shall operate the waste tire storage facility so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the facility is not open. Fencing as shown in the permit application shall be constructed to prevent access of persons or livestock by other routes.

C. Burning of Waste Tires

Intentional burning of waste tires is prohibited and is a violation of UAC R315-303-5(2)(b). All accidental fires shall be extinguished as soon as possible.

D. Record Keeping

The Permittee shall maintain and keep on file at Miller Motorsports Park, Utah, LLC, an operating record as required by UAC R315-302-2(3). The record shall contain the following items:

A copy of the permit including the permit application;

The number of tires on site or the number of tons of tire on site at any time;

The number of waste tires received during each quarter;

The number of waste tires removed during each quarter;

The number of piles of waste tires at the site and the number of tires in each pile;

Record of all inspections conducted by the Permittee and any maintenance activities completed; and

Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of Tooele County Health Department when forwarded to the permittee.

E. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste tires received and removed, an annual update of the financial assurance mechanism, and any other information requested by the Executive Secretary.

F. Self Inspections

The Permittee shall inspect the facility to assure that the waste tires are stored in the manor described in the application.

G. Financial Assurance

The Permittee shall keep in effect and active an approved financial assurance mechanism that meets the requirements of UAC R315-309 to cover the costs of removing and transporting to a registered Utah waste tire recycler, the waste tires stored at the facility. The financial assurance mechanism shall be adequately funded to provide for \$150.00 per ton of tires stored at the facility. Establishment and full funding of the financial assurance mechanism must be in place within 30 days of issuance of this permit.

E. Financial Assurance Annual Update

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

V. ADMINISTRATIVE REQUIREMENTS

A. Transfers

This permit may be transferred to a new permittee or new permittees by meeting

the requirements of the Permit Transfer provision in UAC R315-310-10.

B. Permit Modifications

Modifications to this permit may be made upon application by the Permittee or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

C. Expiration

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

D. Expansion

This permit is for the operation of a waste tire storage facility according to the Operation Plan described and explained in the permit application. Any increase in the number of waste tires beyond that allowed in this permit will require submittal to the Executive Secretary. The increase must be approved by the Executive Secretary prior to acceptance of waste tires.