

Intermountain Power Waste Water Basin Location Restrictions

40 CFR 257.60 through 40 CFR 257.64 and Utah Admin. Code (“UAC”) R315-319-60 through R315-319-64 require that in order to continue operation of a CCR impoundment, the owner or operator must demonstrate by October 17, 2018, through the certification of a qualified professional engineer, that the CCR unit complies with restrictions on the placement of impoundments above the uppermost aquifer, in wetlands, near fault areas, in seismic impact zones, and in unstable areas

As has been outlined in IPSC’s September 12, 2018 Notice of Intent, groundwater monitoring associated with the Intermountain Power Waste Water Basin has triggered its closure pursuant to 40 C.F.R. § 257.101(a)(1) and UAC R315-319-101(a)(1). IPSC has provided notice that it intends to comply with the alternative closure requirements of 40 C.F.R. § 257.103(b)(1) and UAC R315-319-103(b)(1) and that it will close the Intermountain Power Waste Water Basin before October 17, 2028.

IPSC does not read the provisions of 40 CFR 257.60 through 40 CFR 257.64 and UAC R315-319-60 through R315-319-64 as requiring that location demonstrations be made for closing impoundments. Given that closure has already been triggered, IPSC does not plan to engage in any detailed technical evaluation for the location restrictions for the Intermountain Power Waste Water Basin. Instead, IPSC is providing this notice that closure has already been triggered and IPSC intends to comply with the alternative closure requirements of 40 C.F.R. § 257.103(b)(1) and UAC R315-319-103(b)(1) and that it will close the basin before October 17, 2028.