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CIRCLE FOUR FARMS
PO Box 100
MILFORD UT 84751
ATTN: Jim Webb

IRON COUNTY
82 North 100 East Suite # 102
Cedar City, Utah 84720

CONDITIONAL USE PERMIT

Date: October 1, 2009

APN: E-420

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The Petitioners, Circle 4 Farms, having duly submitted a request for a Conditional Use Permit to the Iron County Planning Commission. The Iron County Planning Commission having reviewed, discussed, and voted on the Conditional Use Permit application as submitted by the Petitioners and having determined that the applicable ordinances and statutes have been complied with and that good cause exists and supportive of granting a Conditional Use Permit. Now therefore, the Iron County Planning Commission does hereby grant the Petitioners a Conditional Use Permit as related to certain real property described as follows:

Lots 5, 6, 11 and 12 in Section 4 and Lots 7, 8, 9 and 10 in Section 5, Township 31 South, Range 13 West, SLB&M.

EXCLUDING THEREFROM: Beginning at the West Quarter Corner of Section 4, Township 31 South, Range 13 W, SLB&M and running thence South 89°57'49" East along the quarter section line 669 feet; thence North 00°07'45" West 660 feet; thence North 89°57'49" West 660 feet; thence South 00°07'45" East along the section line 660 feet to the point to beginning.

All of said property being located in Iron County, State of Utah, and said Conditional Use Permit being granted for the use or uses of LANDFILL in the zone presently classified as Industrial, and said Conditional Use Permit granted subject to the following terms, provisions, and conditions, to wit:

1. Petitioners shall comply with all federal, state, Iron County, Department of Environmental Quality (DEQ), Occupational Safety and Health Administration (OSHA), National Institute of Occupational Safety and Health (NIOSH), and Southwest Utah Public Health Department laws, rules, and regulations related to the operation of a landfill.
2. The information provided by the Petitioner in the application for this permit, including the final approved application submitted to the State, is hereby incorporated as the description of the project authorized by this conditional use permit, except as modified by the conditions herein. Development and operation of

the landfill must closely resemble the authorized project, with any significant alterations or additional uses subject to authorization by the Planning Commission.

3. Petitioners shall submit an acceptable dust plan to Iron County Zoning Department, DEQ, and Southwest Utah Public Health Department for the control of dust at the proposed Landfill. Said plan is subject to approval by the aforementioned departments. Petitioners shall adhere to submitted plans and shall be proactive in responding to any potential dust problems.
4. All private roads and driveways serving the project shall be designed and maintained to minimize the generation of dust and tracking of soil onto adjacent public roads. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the operation or facility to have reasonable all-weather access to the site.
5. The Petitioner shall be responsible for the acquisition and installation of ingress and egress lanes of the County road at locations accessing the landfill, should the need for such arise.
6. Adequate parking area(s) shall be provided for transfer vehicles.
7. All means and methods utilized in the transportation of dead animals or other wastes shall fully contain all substances being transported, solids, liquids or otherwise, and prevent leakage or loss of any materials being transported.
8. All outside and security lighting shall be downward directed and directed away from adjacent neighboring properties.
9. Petitioners shall provide and utilize water to control dust and for proper operation of the landfill, sanitation facilities, etc. Petitioner shall provide proof of availability and quantity of water needed to control dust to the Iron County Building & Zoning Department. A safe and adequate water supply for drinking and emergency use (i.e.: first aid) shall be provided, as required by the Southwest Utah Public Health Department.
10. Petitioners shall provide sanitation facilities as approved by the Southwest Utah Public Health Department. All sanitation facilities, temporary or otherwise, shall be kept in a sanitary state and maintained regularly in accordance with Southwest Utah Public Health Department standards.
11. Petitioners shall follow emission regulations and requirements as set forth or recommended by the Department of Environmental Quality (DEQ).
12. Petitioners shall obtain building permits for the onsite sanitation facilities and any accessory structures from the Iron County Building Department.

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13. Petitioners shall obtain a septic system permit for any onsite sanitation facilities from the Southwest Department of Public Health and adhere to any imposed requirements.
14. A letter or plan of approval from the Iron County Fire Warden shall be filed with the Iron County Zoning Department. Petitioner shall adhere to submitted plans.
15. Petitioners must obtain an Impact of the Wildlife Habitat Statement from the Division of Wildlife Resources. Petitioners shall obtain clearance from the Division of Wildlife Resources prior to the clearing of any ground or the erecting of any structures. Petitioners hereby agree to follow the Iron County Habitat Conservation Plan. Petitioners agree to continue to cooperate with the Division of Wildlife Resources in obtaining all necessary clearances for future expansion of landfill operations.
16. Petitioners shall provide a closure and maintenance plan including a plan of reclamation for the disturbed area to be approved by the Iron County Building & Zoning Department. The reclamation plan shall include revegetation of the disturbed surfaces, using plant species recommended by the Bureau of Land Management.
17. Petitioners must provide evidence of a financial guarantee (e.g. bond) for the operation and reclamation of the landfill to the county, in an amount equal to one thousand dollars (\$1,000.00) per acre of landfill. The financial guarantee as accepted and enforced by the State of Utah will suffice for meeting the financial objectives of Iron County. If a bond is issued to Iron County, said bond may be reduced by five thousand dollars (\$5,000.00) for each five acre section that is closed and thereafter reclaimed. At no time shall the landfill utilize more than 40 acres prior to reclamation.
18. The Petitioner shall provide evidence of insurance coverage to the Iron County Building & Zoning Department. Such coverage shall be maintained throughout the term of this permit and until such time as all post-closure requirements are met and certified by the appropriate local, state and federal agencies. Such insurance coverage shall include but not necessarily be limited to the following: general liability, professional liability, and, environmental impairment liability coverage insuring clean-up costs, and endorsing for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all applicable state and federal requirements, with no special limitations.
19. Petitioner shall install a perimeter security fence, designed to discourage unauthorized access by persons and vehicles, around landfill prior to beginning operations. Fence design shall be submitted to Iron County Building & Zoning Department for approval prior to installation. Access to landfill shall be through gates which shall remain locked except when landfill personnel are onsite.

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20. Each point of access shall be posted with an easily visible sign indicating the facility name and emergency contact information.
21. Any litter at operations and facilities shall be contained onsite and collected daily to prevent safety hazards, nuisances or similar problems and off-site migration.
22. The Petitioner shall provide adequate housekeeping for the maintenance of facility equipment and shall minimize accumulations of fuel drums, inoperable equipment, parts, tires, scrap, and similar items.
23. All storage tanks shall be located at the original ground level and potentially hazardous materials shall be stored in State approved containers.
24. Petitioners shall maintain landfill operations an adequate distance from adjacent properties to prevent damage to adjacent properties, which properties include but are not limited to, fences, ditches, irrigation systems, roads, easements, rights-of-way, and utilities. In no case shall the banks, berms, or deposited materials be closer than twenty (20) feet from any adjacent properties.
25. The grading, digging, and placement of dirt shall be in accordance with Mining Health & Safety (MSHA) standards and in a manner consistent with this permit. Depth of landfill cells shall not exceed the depth authorized through the state landfill permit.
26. Materials deposited at the landfill shall be limited to wastes consistent with 'solid waste' as defined by the State of Utah. Hazardous wastes including but not limited to: batteries, oil, paint, poisons, medical wastes, pesticides and other materials capable of causing public health or safety problems shall not be accepted, stored, or deposited at the landfill.
27. Petitioners shall protect the ground water source. Petitioner shall install and test sufficient monitoring wells to identify any contamination from the landfill. The number and placement shall be as recommended by the Utah Department of Environmental Quality. The monitoring wells shall be used to verify that ground and surface waters are protected from potential contamination by the landfill operations.
28. The Petitioner shall comply with all drainage requirements of the Utah Department of Environmental Quality and any additional requirements of the Iron County Engineer and Southwest Department of Public Health. All drainage shall be designed and constructed so as to meet all applicable drainage and grading requirements of the Department of Environmental Quality. The landfill and drainage shall in all cases be designed so as to cause surface water to be diverted away from disposal areas. All design modifications must have the prior approval of the Department of

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Environmental Quality. Petitioner shall prevent diversion or run-off of drainage onto neighboring properties in excess of historical amounts.

29. The landfill operations shall be able to operate between 7:00 a.m. and 10:00 p.m. daily. The landfill operations may also operate during other hours provided the noise, dust and lighting do not unreasonably interfere with the surrounding property owner's quiet enjoyment of their land. The landfill operations shall be deemed to be unreasonably interfering with surrounding property owner's quiet enjoyment of their land if there is a structure within ½ mile of the boundary of the landfill, and a reasonable noise, dust, or lighting complaint is received by law enforcement or the Iron County Building & Zoning Department. Either party is entitled to a hearing with the Iron County Planning Commission to determine whether the complaint is reasonable. The burden of cost for such hearings shall be borne by the Petitioner. Each party shall follow hearing procedures set forth in the Iron County Land Management Code.
30. Open burning of solid waste, except for the infrequent burning of landclearing debris, or debris from emergency clean-up operations, or any other wastes as approved by the Department of Environmental Quality, and local fire authorities, is prohibited at all landfill operations and facilities.
31. Petitioner shall keep a site operating record which shall contain at the minimum the following information:
 - a) Copy of the Conditional Use permit;
 - b) Copy of the Landfill Permit issued by the State of Utah;
 - c) The approved Site Development Plan;
 - d) The Site Operating Plan;
 - e) The Landfill Gas Management Plan;
 - f) Records of incoming weights or volumes or residual weights or volumes for all loads;
 - g) Inspection records, training procedures, and notification procedures relating to excluding the receipt of prohibited waste;
 - h) All results from gas monitoring and any remediation plans relating to explosive and other gases;
 - i) Any and all demonstration, certification, findings, monitoring, testing, and analytical data relating to groundwater monitoring and corrective action;
 - j) Closure and post-closure care plans and any monitoring, testing, or analytical data relating to post-closure requirements;
 - k) Any and all cost estimates and financial assurance documentation relating to financial assurance for closure and post-closure;
 - l) Copies of all correspondence and responses relating to the operation of the facility, modifications to the permit, approvals, and other matters pertaining to technical assistance;

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- m) Any and all documents, manifests, shipping documents, trip tickets, etc., involving special or irregular waste;
- n) Training records;
- o) Records documenting the facilities annual waste acceptance;
- p) A record of unauthorized material removal;
- q) A record of alternate operating hours;
- r) All landfill gas management plan required reports and submittals;
- s) A record of all cover inspections;
- t) A log of litter cleanup activities;
- u) Fire occurrence notices (if applicable);
- v) A log of dust nuisance control efforts;
- w) A daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, flooding, earthquake damage and other unusual occurrences;
- x) Any written public complaints received, including:
 - i. the nature of the complaint,
 - ii. the date the complaint was received,
 - iii. if available, the name, address, and telephone number of the person or persons making the complaint, and
 - iv. any actions taken to respond to the complaint.

All information contained in the operating record must be made available for inspection by the appropriate regulatory agencies upon request, including but not limited to the Iron County Building & Zoning Department, the Southwest Department of Public Health, and the Department of Environmental Quality (DEQ). The landfill shall retain all information contained within the operating record and the different plans required for the facility for the life of the facility including the post-closure period.

32. The operator of the landfill facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this permit. A copy of the load checking program and copies of the load checking records for the previous year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies upon request, including but not limited to the Iron County Building & Zoning Department, the Southwest Department of Public Health, and the Department of Environmental Quality (DEQ). This program must include at a minimum:

- a) The number of random load checks to be performed;

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- b) A location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
 - c) Records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste.
33. Personnel assigned to the operation or facility shall be adequately trained in subjects pertinent to site solid waste operations and maintenance, hazardous materials recognition and screening, use of mechanized equipment, environmental controls, emergency procedures and the requirements of this permit. A record of training history shall be maintained and shall be made available for inspection by the Iron County Building & Zoning Department upon request.
34. Due to the remote nature of the landfill, all personnel shall receive annual emergency first aid training as recommended and approved by the Iron County Ambulance Supervisor.
35. The Petitioner shall be responsible for the installation and maintenance of all required signage including regulatory, safety and directional signage.
36. Notification of the restrictions on disposal of prohibited waste and the procedures for proper disposal at other approved disposal sites shall be provided to waste haulers on a routine basis. Notices shall also be posted at prominent locations at the landfill facility to inform waste haulers of the rules governing the disposal of prohibited waste and that anyone negligently or intentionally bringing in any prohibited waste shall be prosecuted under the fullest extent of the law.
37. The Petitioner shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the Iron County Building & Zoning Department, the Iron County Sheriff's Department, the Iron County Fire Warden, the Department of Environmental Quality and the Southwest Department of Public Health in writing of the current name, address and telephone number of the operator or other person responsible for the operation. A copy of the written notification shall be placed in the operating record.
38. The landfill facility shall have adequate communication equipment available to site personnel to allow quick response to emergencies.
39. The Petitioner shall take adequate steps to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals, and to minimize bird attraction.
40. Salvaging or scavenging of any type within the landfill shall be prohibited.

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C.U.P. – Landfill
October 1, 2009

41. Petitioner agrees to remove subject property involved in landfill operations from any existing Agricultural Protection Areas and Greenbelt designations.
42. This conditional use permit does not authorize the composting (above-ground decomposition) of dead animals on the site, or the acceptance of wastes generated from sources other than Circle 4 farms. Sufficient information on such alternatives was not available at the time of this review. These uses may be considered through a future supplemental conditional use permit review, without prejudice.
43. By signing this Conditional Use Permit, the applicant agrees to adhere to the conditions contained herein.
44. This Conditional Use Permit is not valid until a signed and notarized copy recorded in the office of the Iron County Recorder is returned to the Iron County Building & Zoning Department.
45. This Conditional Use Permit runs with the property described herein and is non-transferable to any other location.
46. In the case of conflict between the conditions or limitations of this permit and any other permit related to the landfill property, the more restrictive shall prevail.

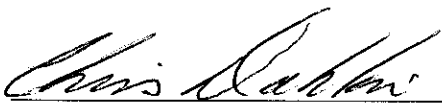
DATED this 1 day of October, 2009.

IRON COUNTY ZONING DEPARTMENT:



Zoning Officer or Administrator

IRON COUNTY PLANNING COMMISSION:



Chris Dahlin, Chairman

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PETITIONERS:

CIRCLE 4 FARMS:

Drew Batten, General Manager 3/23/10
, Petitioner

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