

1                                   **RESOLUTION REGARDING WASHINGTON**

2   **COUNTY WASTE FACILITY**

3   2005 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Bradley G. Last**

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7   **LONG TITLE**

8   **General Description:**

9                   This concurrent resolution of the Legislature and the Governor gives approval for the  
10 construction and operation of a Class VI commercial landfill to receive construction  
11 and demolition waste. The landfill is to be known as the Purgatory Landfill and is to be  
12 operated by ONP, LLC.

13 **Highlighted Provisions:**

14                   This resolution:

- 15                   ▶ provides that the landfill is to be located south of Washington City in Washington  
16 County, Utah;
- 17                   ▶ provides that the proposed landfill is to accept construction and demolition waste as  
18 a Class VI landfill and that the landfill will place an emphasis in its operations on  
19 recycling materials it receives;
- 20                   ▶ provides that the landfill application is currently in the statutorily required approval  
21 process through the Department of Environmental Quality and that this process will  
22 likely not conclude prior to the end of this 2005 General Session;
- 23                   ▶ provides that the required local government approval of the proposed facility has  
24 been granted; and
- 25                   ▶ provides that the legislative and gubernatorial approval required by statute and as  
26 stated in this resolution will only take effect after the end of this 2005 General  
27 Session if the granting of approval by the Department of Environmental Quality



28 takes place on or before July 1, 2005.

29 **Special Clauses:**

30 None

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32 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

33 WHEREAS, ONP, LLC, desires to operate a Class VI commercial landfill to receive  
34 solely construction and demolition waste, as defined in Section 19-6-102 of the Utah Code, for  
35 treatment, storage, or disposal;

36 WHEREAS, the site of the proposed landfill is located south of Washington City in  
37 Washington County;

38 WHEREAS, the site of the proposed landfill is a parcel of approximately 57 acres,  
39 located in Section 17, Township 42 South, Range 14 West, Salt Lake Baseline and Meridian of  
40 Washington County;

41 WHEREAS, Section 19-6-108 of the Utah Code requires that the applicant for authority  
42 to operate a commercial landfill must receive approval from the local government and the  
43 applicant has received this approval;

44 WHEREAS, Section 19-6-108 of the Utah Code also requires that an applicant for  
45 authority to operate a commercial landfill receive approval from the Utah State Legislature and  
46 the Governor of Utah as a part of the approval process;

47 WHEREAS, Section 19-6-108 also requires that an applicant for authority to construct  
48 and operate a commercial landfill receive approval from the executive secretary of the Solid  
49 and Hazardous Waste Control Board within the Department of Environmental Quality prior to  
50 receiving legislative and gubernatorial approval;

51 WHEREAS, ONP, LLC has submitted a proposed operation plan for a Class VI  
52 commercial construction and demolition waste landfill to the Department of Environmental  
53 Quality, and the Department of Environmental Quality is in the process of preparing a draft  
54 permit to be made available for public comment as part of the approval process; and

55 WHEREAS, due to the time requirements of the approval process, if the Department of  
56 Environmental Quality gives final approval for the permit to ONP, LLC, it likely will be after  
57 the adjournment sine die of this 2005 General Session of the Legislature:

58 NOW, THEREFORE, BE IT RESOLVED by the Legislature, the Governor concurring

59 therein, that ONP, LLC, is granted approval to construct and operate a Class VI commercial  
60 construction and demolition waste landfill at the specified site to the west of Washington City  
61 in Washington County, State of Utah, but only subject to and contingent upon the Department  
62 of Environmental Quality having granted final approval for having issued the permit for this  
63 landfill on or before July 1, 2005.

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**Legislative Review Note**

**as of 2-1-05 6:32 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HCR003**

**Resolution Regarding Washington County Waste Facility**

*08-Feb-05*

*7:19 PM*

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**State Impact**

Fiscal requirements to enact provisions of this resolution can be handled within existing budgets.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**