

1                   **JOINT RESOLUTION APPROVING CLASS V LANDFILL**

2                                   2016 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Lee B. Perry**

5                                   Senate Sponsor: Peter C. Knudson

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7 **LONG TITLE**

8 **General Description:**

9                   This resolution gives approval for the construction and operation of a Class V  
10 commercial nonhazardous solid waste landfill.

11 **Highlighted Provisions:**

12                   This resolution:

- 13                   ▶ describes the proposed Promontory Point Landfill;
- 14                   ▶ enumerates the types of nonhazardous solid waste to be received by the landfill;
- 15                   ▶ states that the operation plan for the landfill will be submitted to the director of the
- 16 Division of Waste Management and Radiation Control for approval; and
- 17                   ▶ grants provisional approval for the construction and operation of a Class V
- 18 commercial nonhazardous solid waste landfill.

19 **Special Clauses:**

20                   None

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22 *Be it resolved by the Legislature of the state of Utah:*

23                   WHEREAS, Promontory Point Resources, LLC, has proposed a plan to construct and  
24 operate a Class V commercial landfill to receive nonhazardous solid waste for treatment,  
25 storage, or disposal as defined in Utah Code Section [19-6-102](#);

26                   WHEREAS, the facility is to be located on 2,000 acres owned by Promontory Point  
27 Resources, LLC, in Box Elder County on the southern tip of Promontory Point;



28 WHEREAS, the Department of Environmental Quality issued Promontory Point  
29 Resources, LLC, a permit for the operation of a Class I landfill on this site that solely receives  
30 nonhazardous municipal waste under contracts with local governments;

31 WHEREAS, a Class V commercial landfill would have a favorable economic impact on  
32 Box Elder County in the form of new permanent jobs and host fees;

33 WHEREAS, Utah Code Section 19-6-108 requires that an applicant for authority to  
34 construct a commercial landfill receive approval from the local government, the Legislature,  
35 and the Governor;

36 WHEREAS, Utah Code Section 19-6-108 also requires that an applicant for authority  
37 to construct or operate a commercial landfill receive approval from the director of the Division  
38 of Waste Management and Radiation Control within the Department of Environmental Quality  
39 for an operation plan for that facility before receiving gubernatorial approval;

40 WHEREAS, Promontory Point Resources, LLC, is seeking approval from Box Elder  
41 County for the proposed landfill;

42 WHEREAS, Promontory Point Resources, LLC, will submit a proposed operation plan  
43 for the Promontory Point Class V commercial nonhazardous solid waste landfill to the Division  
44 of Waste Management and Radiation Control to be approved by the director;

45 WHEREAS, Promontory Point Resources, LLC, will request gubernatorial approval  
46 after the operation plan is approved by the director of the Division of Waste Management and  
47 Radiation Control;

48 WHEREAS, the proposed operation plan for the Promontory Point Landfill states that  
49 the landfill will receive nonhazardous waste, including municipal waste, industrial waste,  
50 construction and demolition waste, and special wastes as enumerated in the operation plan and  
51 as defined in Utah Administrative Code, R315-315, Special Waste Requirements:

52 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
53 grants its provisional approval to Promontory Point Resources, LLC, to construct and operate a  
54 Class V commercial nonhazardous solid waste landfill as described in the proposed plan if the  
55 proposed plan is approved by Box Elder County, the Division of Waste Management and  
56 Radiation Control, and the Governor in accordance with Utah Code Section 19-6-108.

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**