
BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

IN THE MATTER OF:

February 14, 2013

Weber County C & D Class VI Landfill
Solid Waste Permit # 1101

ORDER ADOPTING SECOND MEMORANDUM AND RECOMMENDED ORDER

On January 24, 2013, at a special meeting of the Utah Solid and Hazardous Waste Control Board, the Board remanded the above captioned administrative action to the Administrative Law Judge to prepare a revised memorandum and recommended order consistent with the Board's directions. The January 24, 2013, *Order Returning Dispositive Action to Administrative Law Judge* is incorporated as if fully set forth herein. As directed, the Administrative Law Judge issued the February 4, 2013, *Second Memorandum and Recommended Order*.

On February 14, 2013, at a regularly scheduled meeting, the Utah Solid and Hazardous Waste Control Board considered the *Second Memorandum and Recommended Order*. The Executive Secretary was represented by assistant attorney general Raymond D. Wixom. Counterpoint was not present. Weber County was not present. Moulding was represented by attorney Michael S. Malmborg. The Board was represented by assistant attorney general Sandra K. Allen. Board members present were: Kevin Murray, Ryan Dupont, Larry Ellertson, Brad Mertz, Brett Mickelson, Kory Coleman, Brian Brower, Scott Bruce, Gary Mossor, Dwayne Woolley, and Dennis Riding. The parties did not file written comments to the *Second Memorandum and Recommended Order* but did provide oral comments at the February 14, 2013, Board meeting.

After review of the original *Memorandum and Recommended Order*, the parties' oral and written comments thereto and accompanying record and review of the *Second Memorandum and*

Recommended Order, and accompanying exhibits, and after considering the parties' oral comments to the *Second Memorandum and Recommended Order*, the Board unanimously accepted and adopted the *Second Memorandum and Recommended Order*.

ORDER

The Executive Secretary's decision to grant Weber County as owner and Moulding as operator a commercial Class VI landfill permit for the existing Weber County land fill that had been operating under a Class IVb is upheld. The Administrative Law Judge's *Second Memorandum and Recommended Order* is hereby accepted, approved and adopted by the Board.

Dated this 17th day of February, 2013.


Kevin R. Murray, Chair
Utah Solid and Hazardous Waste Control Board

NOTICE OF RIGHT TO APPLY FOR RECONSIDERATION

Within 20 days after the date this order is signed by the Utah Solid and Hazardous Waste Control Board, any party shall have the right to apply for reconsideration with the Board pursuant to Utah Code Ann. § 63G-4-302. The request for reconsideration should state the specific grounds upon which relief is requested and should be submitted in writing to the Board whose mailing address is P.O. Box 144880, Salt Lake City, UT 84114-4880 and whose street address is 195 North 1950 West, Salt Lake City, Utah. A copy of the request must be mailed to each party by the person making the request. A copy should be filed with the Administrative Proceedings Record Officer, DEQAPRO@utah.gov and provided to the Board's counsel in this matter. The service information for Board counsel is included in the attached Certificate of Service. The filing of a request for reconsideration is not a prerequisite for seeking judicial review of this order.

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Judicial review of this final order may be sought in the Utah Court of Appeals under Utah Code Ann. § 63G-4-403 and the Utah Rules of Appellate Procedure by filing a proper petition within thirty days after the date of this order.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2013, I caused a copy of the *Order Adopting Second Memorandum and Recommended Order* be sent by electronic mail to the following:

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DEQAPRO@utah.gov

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