

COPY

FILED IN
4TH DISTRICT COURT
STATE OF UTAH
UTAH COUNTY

96 MAR 13 PM 2:49

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CLERK

DAVID H. SHAWCROFT (#4248)

Deputy Utah County Attorney

KAY BRYSON (#473)

Utah County Attorney

Attorney for Plaintiff

100 East Center, Suite 2100

Provo, UT 84601

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ENT 25672 BK 3926 PG 453
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1996 MAR 28 11:40 AM FEE .00 BY MB
RECORDED FOR UTAH COUNTY ATTORNEY

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

UTAH COUNTY, a body corporate)
and politic, UTAH)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY, UTAH DIVISION OF)
SOLID AND HAZARDOUS WASTE)
and DENNIS DOWNS, Executive)
Secretary for the UTAH SOLID)
AND HAZARDOUS WASTE BOARD)

Plaintiff,

vs.

CRAIG E. WAYMAN, TIRE RECYCLING)
INC., WALDO CO. LTD.,)
REID L. WAYMAN, an individual,)
REID L. WAYMAN, Trustee, REID L.)
WAYMAN FAMILY TRUST)


Defendant.

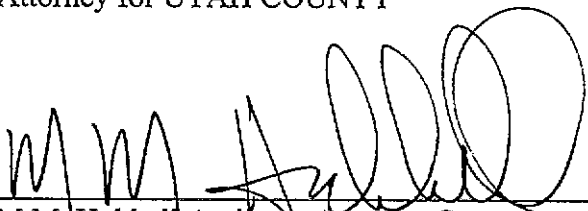
ORDER APPROVING STIPULATION
AND AGREEMENT AND ORDER
ENTERING A STAY OF PROCEEDINGS


Civil No. 940400178

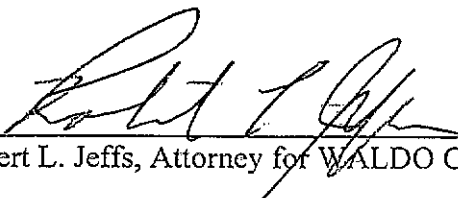
Judge Lynn W. Davis

APPROVED AS TO FORM AND CONTENT:


David H. Shawcroft
Deputy County Attorney,
Attorney for UTAH COUNTY


M.M. Hubbell, Assistant Attorney General,
Attorney for UTAH DEPARTMENT OF
ENVIRONMENTAL QUALITY, UTAH DIVISION
OF SOLID WASTE AND HAZARDOUS WASTE,
and DENNIS DOWNS, Executive Secretary
for the UTAH SOLID AND HAZARDOUS WASTE BOARD


Wilford N. Hansen, Attorney for CRAIG E.
WAYMAN, TIRE RECYCLING, INC., REID L.
WAYMAN, an individual, REID L. WAYMAN,
Trustee, REID L. WAYMAN FAMILY TRUST


Robert L. Jeffs, Attorney for WALDO CO. LTD.

The above entitled matter came before the Court pursuant to the Stipulation and Agreement of the parties. The Court, having reviewed the Stipulation and Agreement and good cause appearing in the premises,

NOW THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:

1. The Stipulation and Agreement of the parties dated on or about March 6, 1996, on file in the above referenced matter is hereby approved by the Court and all of the terms and provisions of said Stipulation and Agreement are incorporated herein as if fully set forth herein and constitute a part of this Order. A copy of said Stipulation and Agreement is attached hereto as Exhibit "A".

2. The Court hereby enters a stay of these proceedings until September 1, 1997, unless any party requests that any action be taken to enforce the Stipulation and Agreement or this Order of the Court.

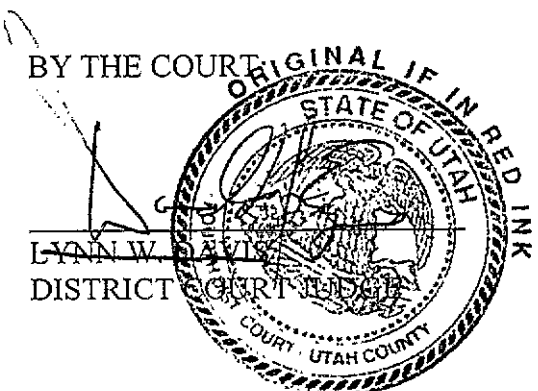
DATED this 13th day of March, 1996.

STATE OF UTAH)
) SS
COUNTY of UTAH)

I, the undersigned, Clerk of the Fourth District Court of Utah County, Utah, do hereby certify that the annexed and foregoing is a true and correct copy of an original document on file in my Court.

Witness my hand and seal of said Court on this 13th day of March, 1996.
CARMA B. SMITH, Clerk

By [Signature]



DAVID H. SHAWCROFT (#4248)
Deputy County Attorney
C. KAY BRYSON (#473)
Utah County Attorney
100 East Center, Suite 2100
Provo, Utah 84601
Telephone: (801) 370-8001

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH

UTAH COUNTY, a body corporate)
and politic, UTAH)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY, UTAH DIVISION OF)
SOLID AND HAZARDOUS WASTE)
and DENNIS DOWNS, Executive)
Secretary for the UTAH SOLID)
AND HAZARDOUS WASTE BOARD)

Plaintiff,

vs.

CRAIG E. WAYMAN, TIRE RECYCLING)
INC., WALDO CO. LTD.,)
REID L. WAYMAN, an individual,)
REID L. WAYMAN, Trustee, REID L.)
WAYMAN FAMILY TRUST)

Defendant.

STIPULATION AND AGREEMENT

Civil No. 940400178

Judge Lynn W. Davis

Plaintiffs and Defendants herein stipulate and agree as follows:

1. The Plaintiff, Utah Department of Environmental Quality ("DEQ"), is an agency of state government created under Section 19-1-104 of the Utah Code.

2. DEQ has the authority to enforce laws and standards governing solid and hazardous waste under Section 19-6-101 et. seq. of the Utah Code.

3. DEQ, through its Solid and Hazardous Waste Division, issues permits for the operation of solid waste facilities pursuant to R315-310 of the Utah Administrative Code ("UAC").

4. The Defendants are residents, property owners and/or business entities operating in Utah County, State of Utah.

5. Defendant, REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, is the record owner of interest of certain real property (hereinafter referred to as "Landfill") located at approximately 11654 West 4800 North, Utah County, Parcel No. 59:010:0001 more particularly described as follows:

Commencing 4455 feet North from the Southwest corner of Section 10, Township 6 South, Range 1 West, Salt Lake Base and Meridian; thence North 825 feet to the Northwest corner of said Section 10; thence West 2640 feet; thence South 825 feet to a point 4455 feet North of the South line of said Section 10; thence West 2640 feet to the point of beginning.

6. Defendant WALDO CO. LTD., is the owner of record and equity, and defendants REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, CRAIG E.

WAYMAN and TIRE RECYCLING INC. are leaseholders and/or do or may claim rights of use by agreement of real property (hereinafter referred to as "Orchard Property") located at approximately 3561 North Redwood Road, Utah County, more particularly described as follows:

The portion of all of the following which lies west of Utah State Highway 68 [Redwood Road]:

All of Lots 3,4, and 7 Section 18, Township 6 South, Range 1 East, Salt Lake Base and Meridian, Utah County, State of Utah;

All of Lot 2 Section 19, Township 6 South, Range 1 East, Salt Lake Base and Meridian, Utah County, State of Utah;

Beginning at a point which is the Northeast corner of the Southeast Quarter of Section 13, Township 6 South, Range 1 West, Salt Lake Base and Meridian, Utah County, State of Utah, thence South 924 feet, thence West 330 feet, thence North 924 feet, thence East 330 feet;

Beginning at a point on Utah State Highway U-68 lying North 1980 feet and East 1310 feet from the Southwest corner of Section 18, Township 6 South, Range 1 East, Salt Lake Base and Meridian, Utah County, State of Utah, thence Northwesterly along said highway 280 feet, thence West 155 feet, thence Southeasterly parallel to Highway U-68 280 feet, thence 155 feet to the point of beginning.

7. On or about the 28th day of February, 1991, REID L. WAYMAN and CRAIG E. WAYMAN obtained a solid waste plan approval from the Utah Solid and Hazardous Waste Committee, permit no. 91-01, to operate a tire landfill on the Landfill Property. The permit, 91-01, incorporated the application submitted by R.L. Wayman on November 3, 1989, and revised on April 6, 1990, and May 17, 1990. A copy of said permit is attached hereto as Exhibit "A"

and incorporated herein by this reference. Copies of the permit application and revisions are also attached and form a part of Exhibit "A", collectively referred to herein as the "Permit".

8. The Wayman Tire Landfill is a solid waste facility under R315-310 of the UAC.

9. Pursuant to the authority of Chapter 27, Title 17, Utah Code Annotated, 1953 as amended, Plaintiff, UTAH COUNTY, upon order of the Board of the Utah County Commission, duly enacted and adopted zoning, building, land-use and nuisance ordinances including, but not limited to, the "Utah County Zoning Ordinance" and the "Utah County Code," Section 7-1 of said Code having adopted the Uniform Building Code, 1991 Edition.

10. Under Sections 17-27-1002 and 26-32a-103.5, Utah Code Annotated, 1953 as amended, and under Section 7-28 of the Utah County Zoning Ordinance, Plaintiff, UTAH COUNTY, is legally empowered to institute proceedings for injunctive relief or for abatement of unlawful uses or acts pertaining to the transportation, storage and disposal of waste tires.

11. The above-described Landfill Property is located in the M&G-1 Mining and Grazing Zone. The above-described Orchard Property is located in the A-1 Agricultural Zone.

12. Section 1-7 of the Utah County Zoning Ordinance makes it unlawful to make use of property in a manner not expressly permitted in a particular zone as outlined in said Ordinance.

13. The use of land for waste tire piles and the disposal and storage of waste tires is not a permitted use in either the A-1 Zone or the M&G-1 Zone.

14. Section 7-9 of the Utah County Zoning Ordinance and Section 303(a) of the

Uniform Building Code makes it unlawful to use a premise contrary to the terms of lawfully issued approval, permit, and/or plans.

15. On or about November of 1989, the Utah County Board of Adjustment granted approval for Defendants REID L. WAYMAN and CRAIG E. WAYMAN to operate a waste tire landfill in strict accordance with the requirements as outline in Permit no. 91-01 issued by the Utah Solid and Hazardous Waste Committee.

16. Defendants REID L. WAYMAN, CRAIG E. WAYMAN and TIRE RECYCLING INC. have continuously allowed and affirmatively participated in the unlawful placement and storage of large quantities (approximately 1,000,000) of waste tires upon both the Landfill Property and Orchard Property since 1991. Defendant, REID L. WAYMAN, TRUSTEE, owner of the subject properties, has permitted and acquiesced in the aforesaid unlawful use of said properties.

17. On or about April 1, 1993, the Solid and Hazardous Waste Division of DEQ, (the "Division") conducted an inspection of the Wayman Tire Landfill. The Division found the facility out of compliance with its permit.

18. On or about the 13th day of April, 1993, the State of Utah, Department of Environmental Quality, Division of Solid and Hazardous Waste, Utah Solid and Hazardous Waste Control Board, issued a Notice of Violation and Order for Compliance to the Defendants REID L. WAYMAN and CRAIG E. WAYMAN (the "Order"). A copy of said Order is attached hereto as Exhibit "B" and incorporated herein by this reference.

19. The Order was duly received by the Defendants, REID L. WAYMAN and

CRAIG E. WAYMAN.

20. A permit has not been granted for operation of a landfill on the Orchard Property, as described above.

21. The Order for Compliance dated April 13, 1993, includes specific findings of fact concerning items of violation of Solid Waste Permit No. 91-01, including, but not by way of limitation, the following:

- a. Violation of Permit condition No. 1 by failing to operate the facility in accordance with UAC R315-301.
- b. Violation of Permit condition No. 7 and Response to Notice of Deficiency No. 1 response No. 3 by stockpiling tires above ground without berms or cells.
- c. Violation of Permit condition No. 8 and UAC R315-301-6(d) by not covering tires and by maintaining more than one active disposal area.
- d. Violation of UAC R315-310-13 by not submitting the required documents.

22. Pursuant to the terms and provision of the Order, the Defendants REID L. WAYMAN and CRAIG E. WAYMAN were ordered to take specific action, including, but not limited to the following:

- a. Immediately cease and desist the acceptance of tires at the Wayman Landfill [Landfill Property].

- b. Immediately initiate all necessary action to achieve total compliance with all applicable provisions of the UAC and the permit and demonstrate, to this office, compliance within 30 days.
- c. Immediately collect all tires at the facility [Landfill Property] into cells as required in the permit.
- d. Immediately close and cover all landfill cells at the facility [Landfill Property].
- e. Immediately cease and desist storing tires at the Lake Mountain Orchards facility [Orchard Property].
- f. Remove all tires from the Lake Mountain Orchard site [Orchard Property] or submit the required documents within 30 days.

23. Pursuant to a meeting of the Utah Solid and Hazardous Waste Control Board held on the 12th day of January, 1995, the issues concerning the noncompliance with the terms and provision of the Order dated April 13, 1993, and the Permit No. 91-01, were referred to the Utah Attorney General and the Utah County Attorney for enforcement action.

24. The Defendants, REID L. WAYMAN and CRAIG E. WAYMAN, have failed to comply with the terms and provisions of the Order dated April 13, 1993, including, but not by way of limitation, the following items of noncompliance:

- a. Said Defendants have accepted additional tires at the Wayman Landfill [Landfill Property].
- b. Said Defendants have failed to take necessary action to achieve compliance with all applicable provisions of the Utah Administrative Code and Permit No. 91-01.

- c. Said Defendants have failed to collect all tires at the facility [Landfill Property] into cells as required by the terms and provisions of Permit No, 91-01.
- d. Said Defendants have failed to immediately close and cover all landfill cells and tires at the facility [Landfill Property].
- e. Said Defendants have failed to cease and desist from storing tires at the Lake Mount Orchard Facility [Orchard Property].
- f. Said Defendants have failed to remove all tires from the Lake Mountain Orchard site [Orchard Property].

25. Under Section 19-6-112(2)(b) and Section 63-46b-19 of the Utah Code, the Plaintiffs are entitled to bring action to enforce the Order dated April 13, 1993.

26. Pursuant to the provisions of the Utah Code Annotated, Section 19-6-113(2), the Defendants, REID L. WAYMAN and CRAIG E. WAYMAN, are subject to a civil penalty in an amount not to exceed \$10,000 per day for each day of violation.

27. Defendants REID L. WAYMAN and CRAIG E. WAYMAN have violated the conditions of the Board of Adjustment approval and building permit approval by disposing of waste tires on the Landfill Property in a manner which violates the terms of the above-stated Permit No. 91-01 and the landfill construction and operation plan submitted to Utah County. Utah County has give a notice to comply requiring correction of the non-compliance.

28. Section 11-1-9 of the Utah County Code makes it unlawful to operate a business or any specific business activity without first obtaining a license certificate from Utah County.

29. Defendants, REID L. WAYMAN, CRAIG E. WAYMAN, TIRE RECYCLING COMPANY INC., and REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, are operating, have operated, or have permitted a tire storage business on the Orchard Property without first obtaining the appropriate business license.

30. Sections 1-7, 3-3, and 5-2 of the Utah County Zoning Ordinance make it unlawful to use the subject Orchard Property as a site for the placement of used tires.

31. Defendants, REID L. WAYMAN, CRAIG E. WAYMAN, TIRE RECYCLING COMPANY INC., and REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, are using the Orchard Property as a site for the placement of used tires.

32. Sections 7-5 and 7-10 of the Utah County Zoning Ordinance make it unlawful to carry out a use of land without first obtaining a building permit and a zoning compliance permit for such use.

33. The Defendants, REID L. WAYMAN, CRAIG E. WAYMAN, TIRE RECYCLING COMPANY INC., and REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, are using the Orchard Property as a site for the placement of used tires without obtaining a building permit or a zoning compliance permit.

34. Section 12-1-3, Utah County Code, makes it unlawful to cause, maintain or permit a nuisance in Utah County.

35. Defendants REID L. WAYMAN, CRAIG E. WAYMAN, TIRE RECYCLING, INC., and REID WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, have

created a nuisance on the Landfill Property and Defendants, REID L. WAYMAN, CRAIG E. WAYMAN, TIRE RECYCLING, INC., and REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, have created a nuisance on the Orchard Property by allowing the dumping and storage of used tires, the operation of an unlicensed business, creating a condition which provides a harborage for rats, mice, snakes, or other vermin, creating a fire hazard, and conducting an activity which is in violation of State and Local law.

36. Section 12-2-3, Utah County Code, makes it unlawful to allow the placement of unsightly junk or abandoned vehicle parts in public view and outside of an approved landfill on real property in Utah County.

37. That Defendants, REID L. WAYMAN, CRAIG E. WAYMAN, TIRE RECYCLING, INC., and REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, have allowed the placement of used tire piles on the Orchard Property in public view and outside of an approved landfill.

38. Sections 7-5 and 7-10 of the Utah County Zoning Ordinance make it unlawful to construct any structure or use a premise without first obtaining a building permit or zoning compliance permit.

39. Defendants, REID L. WAYMAN, CRAIG E. WAYMAN, TIRE RECYCLING, INC., and REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, have constructed a waste tire structure on the subject Orchard Property and used said property to store waste tires without first obtaining a building permit or zoning compliance permit.

40. Plaintiffs and Defendants hereby agree to jointly stipulate to and move this court for a stay of these proceedings until September 1, 1997, unless a party requests that any action be taken to enforce this Agreement, or the Court's order made in or pursuant to this Agreement. The parties agree that the purpose of this stay is to allow the Defendants, REID L. WAYMAN, CRAIG E. WAYMAN, TIRE RECYCLING, INC., and REID L. WAYMAN, TRUSTEE of the REID L. WAYMAN FAMILY TRUST, said parties being collectively referred to herein as the "WAYMAN DEFENDANTS", to complete the shredding and mono filling of the tires located on the Landfill Property, and to complete the other items of performance required by the WAYMAN DEFENDANTS, in strict accordance with the time table and deadlines, as set forth and described herein.

41. The WAYMAN DEFENDANTS shall remove, or shall cause to be removed, all tires, of whatever kind, type, nature, or use, from the Orchard Property, on or before the 30th day of December, 1995.

42. The WAYMAN DEFENDANTS shall enter into a written agreement with Utah Correctional Industries related to the shredding of the tires on the Landfill Property and the mono filling of the shredded tires on the Landfill Property, which written agreement shall be entered into on or before the 1st day of November, 1995.

43. Without the prior express written consent of the Plaintiffs, the Wayman Defendants shall not bring any additional tires onto the Landfill Property, or the Orchard Property, or allow or permit any other person or entity to bring any tires onto the Landfill Property or the Orchard Property.

44. The tire shredding and mono filling operation shall be conducted by Utah Correctional Industries, which tire shredding and mono filling operation shall be in strict compliance with all of the requirements of the Utah Department of Environmental Quality, Utah Division of Solid and Hazardous Waste, and shall also comply with all prerequisites for payment of funds from the Utah State Waste Tire Expendable Trust Fund, as outlined and specified in the Statutes and Regulations related thereto, including but not limited to the "Waste Tire Recycling Act," Utah Code Annotated Section 26-32a-101 et.seq., 1953 as amended, and all other applicable provisions. On or before the 1st day of September, 1997 (unless sooner required by the other terms of this Stipulation), all of the following shall be completed by the Wayman Defendants: all tires located on the Landfill Property shall be shredded and mono filled; all cells located on the Landfill Property shall be covered; all equipment located or to be located on the Landfill Property shall be removed; all operations located or to be located on the Landfill Property shall be completed; and the Landfill Property shall be restored to the complete satisfaction of the Plaintiffs.

45. Fifteen percent (15%) of all funds payable on or before June 30, 1996, to any of the Wayman Defendants, or to the Utah Correctional Industries, related to the shredding and mono filling of tires on the Landfill Property, shall be immediately paid by the recipient directly to the Fourth District Court, in and for Utah County, and twenty five percent (25%) of all funds payable after June 30, 1996, to any of the Wayman Defendants, or to the Utah Correctional Industries, related to the shredding and mono filling of tires on the Landfill Property, shall be

immediately paid by the recipient directly to the Fourth District court, in and for Utah County, which funds shall be held in an interest bearing account for the purpose of guaranteeing and assuring the compliance by the Wayman Defendants of the terms and provisions of this Stipulation and Agreement. Upon completion and performance by the Wayman Defendants of all of the terms and provisions of this Stipulation and Agreement, and after an inspection of the subject properties by the Plaintiffs for the purpose of verifying compliance with the terms and provisions of this Stipulation and Agreement, the Plaintiffs shall petition the court for a release of said escrow funds, which shall then be released by the Court and made payable to UTAH CORRECTIONAL INDUSTRIES.

46. The tire shredding and mono filling project shall consist of the shredding of the tires stored at the Landfill Property, with the subsequent storing of those shredded tires in segregated cells located on the Landfill Property, all in strict accordance with the terms and provisions of the Permit, 91-01, Exhibit "A", including but not limited to the cell size, cell closure timetable, and all other requirements of said Permit, Exhibit "A".

47. It is acknowledged by the parties that the tire shredding and mono filling operation shall include, on a temporary basis only, and only for the purpose of complying with the terms and provisions of this Stipulation and Agreement, a primary tire shredder, scales, rim crusher, tire slicer, pit excavation equipment, maintenance equipment, water storage, portable power for the shredding unit, and portable rest room facilities. No equipment shall be brought onto the Landfill Property without the prior written consent of the Plaintiffs.

48. Any further violation of County Ordinances, or failure to meet any of the terms and provisions of this Stipulation, in a timely matter, shall result in default, and shall require the immediate cessation of all operations and an immediate forfeiture of all escrow funds, to Utah County.

49. The Plaintiffs and their agents, representatives, and employees shall have the right and authority to enter upon the subject properties at any time to observe the Wayman Defendants compliance with the terms and provisions of this Stipulation.

50. The parties agree that this Stipulation and any related Court Order shall be binding on all of the parties hereto, and upon the heirs, successors and assigns of the parties, and that any violation or breach of this Stipulation and Agreement shall be grounds for contempt of court. The parties further agree that any party found in breach of this Stipulation or in contempt of court shall pay all court costs and legal fees incurred by the non-breaching party incurred related to or arising out of this Stipulation.

51. The parties agree to the entry of an Order of the Court incorporating all of the terms and provisions of this Stipulation. The parties further agree that this Stipulation shall be recorded in the records of the Utah County Recorder and that the obligations of the Wayman Defendants under this Stipulation shall run with the parcels of land as described herein, and shall be binding on the heirs, successors, lessees, and assigns of the Wayman Defendants. Any such assignment shall not relieve the Wayman Defendants from their obligations herein.

52. Time is of the essence of this Stipulation.

53. All of the terms and provisions of the Permit, 91-01, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, constitute terms and provisions of this Stipulation and Agreement. The Wayman Defendants agree to specifically comply with all of the terms and provisions of said Permit, Exhibit "A".

54. All of the terms and provisions related to the approval by the Utah County Board of Adjustment related to the Landfill Property, which approval was granted on or about November, of 1989, are incorporated herein as additional terms and provisions of this Stipulation and Agreement, except as specifically modified by the Utah County Board of Adjustments pursuant to Appeal No. 1086, which appeal was heard on or about the 2nd day of February, 1993.

55. The Wayman Defendants hereby stipulate and agree, jointly and severally, to indemnify and hold the Plaintiffs, and their officers, officials, agents, employees, and representatives harmless from and against any and all claims, demands, suits, actions, losses, costs, damages, expenses and liabilities, of whatsoever kind or nature (including but not limited to reasonable attorneys' fees, litigation and court costs, amounts paid in settlement and amounts paid to discharge judgements), howsoever caused, directly or indirectly resulting from, arising out of, or otherwise related to, in any way, the Landfill Property, the Orchard Property, the tires located on said properties, or any operations related thereto.

56. In the event that the Wayman Defendants fail to timely comply with any of the terms and provisions of this Stipulation and Agreement, said Wayman Defendants consent to the

entry of an Order of the Court (i) enjoining the Wayman Defendants from any use of the subject properties so long as they remain in violation of the terms and provisions of this Stipulation; (ii) ordering the Wayman Defendants to comply with all the terms and provisions of this Stipulation and Agreement; (iii) ordering that if the Wayman Defendants fail to accomplish compliance with all the terms and provisions of this Stipulation and Agreement, including, but not by way of limitation, the shredding and appropriate mono filling of all tires located on the Landfill Property and the removal of the tires located on the Orchard Property, that the Plaintiffs, or their representatives, may enter upon the subject properties, at any time, may remove, bury, shred, or otherwise dispose of and manage all tires and debris located upon the subject properties, with all costs for said removal, burial, or other costs associated with the subject properties being charged to the Wayman Defendants as Court costs and as a lien against the Landfill Property, as described herein.

57. As additional security to guarantee the performance by the Wayman Defendants with the terms and provisions as this Stipulation and Agreement, the Wayman Defendants further stipulate to the entry of an Order of the Court, ordering that a judgement lien be immediately attached to the Landfill Property to secure and guarantee the performance by the Wayman Defendants of the terms and provisions of this Stipulation and Agreement. In the event that the Wayman Defendants fail to timely comply with each and every provision of this Stipulation and Agreement, then the Court shall, upon the request of the plaintiffs, order that the Landfill Property be sold, pursuant to a Sheriff's sale, with all proceeds from the sale of said property

being applied first to all costs, expenses, attorneys' fees, and other expenses incurred by the Plaintiffs in enforcing the terms and provisions of this Stipulation, and/or in disposing, burying, or otherwise managing with the tires and debris located upon the Landfill Property, and/or the Orchard Property, with the remaining proceeds, if any, to be tendered to the Wayman Defendants.

58. In the event that the Landfill Property is not presently titled in the name of the Wayman Defendants, free and clear of all lien and interests, the Wayman Defendants shall cause the Landfill Property to be reconveyed to the Wayman Defendants, on or before October 15, 1995, without encumbrance, restriction, or other interests, of any kind, so that the judgement lien described in the proceeding paragraph shall be in a first position on the Landfill Property.

59. Plaintiffs recognize that Utah Correctional Industries is involved with the Wayman Defendants in the performance of this Stipulation. In the event of any default by the Wayman Defendants of the terms of this Stipulation, the Plaintiffs shall make reasonable attempts to cooperate with Utah Correctional Industries to resolve default issues.

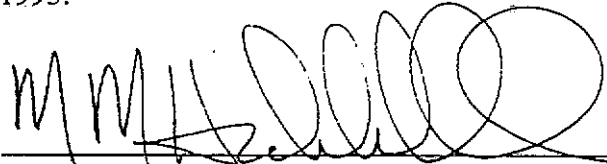
60. Utah Correctional Industries, by its signature hereunder, acknowledges receipt of a copy of the foregoing Stipulation and hereby agrees to make the payments described in Paragraph No. 45 above.

Dated this 27th day of October, 1995.



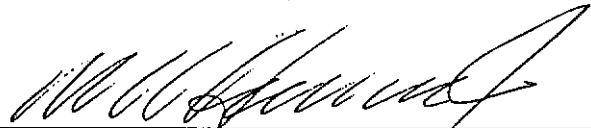
David H. Shawcroft
Deputy County Attorney,
Attorney for UTAH COUNTY

Dated this 19 day of Dec, 1995.



M.M. Hubbell Assistant Attorney General,
Attorney for UTAH DEPARTMENT OF
ENVIRONMENTAL QUALITY, UTAH DIVISION
OF SOLID WASTE AND HAZARDOUS WASTE,
and DENNIS DOWNS, Executive Secretary
for the UTAH SOLID AND HAZARDOUS
WASTE BOARD

Dated this 27 day of Oct, 1995.



Wilford N. Hansen, Attorney for CRAIG E.
WAYMAN, TIRE RECYCLING, INC., REID L.
WAYMAN, an individual, REID L. WAYMAN,
Trustee, REID L. WAYMAN FAMILY TRUST

Dated this 27th day of Oct, 1995.

Utah Correctional Industries

By: _____

Its: Operations Director

Dated this 27th day of Oct, 1995.

Robert L. Jeffs
Robert L. Jeffs, Attorney for WALDO CO. LTD.

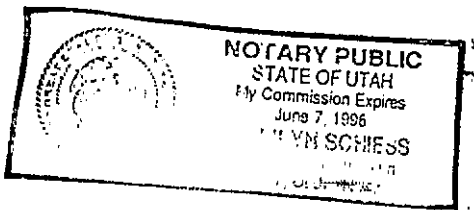
Dated this 27 day of Oct, 1995.

Craig E. Wayman
Craig E. Wayman

ACKNOWLEDGEMENT

State of Utah)
 :SS
County of Utah)

The foregoing instrument was acknowledged before me this 27th day of Oct, 1995, by Craig E. Wayman.



Marilyn Schiess
NOTARY PUBLIC

Dated this 27 day of Oct, 1995.

Tire Recycling Inc.

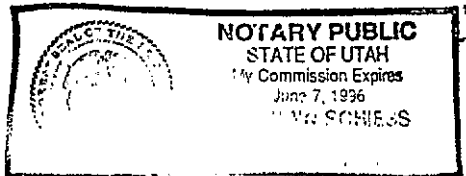
By: King & Wang

Its: Pres. T.R.I.

ACKNOWLEDGEMENT

State of Utah)
 :SS
County of Utah)

The foregoing instrument was acknowledged before me this 27th day of Oct, 1995 by _____, who represented to me that he/she is the _____ of Tire Recycling Inc. and who duly acknowledged to me that said instrument was executed by, for and in behalf of Tire Recycling Inc. pursuant to a resolution duly authorizing said execution of the foregoing document by Tire Recycling Inc.



Marilyn Schieffs
NOTARY PUBLIC

Dated this 27 day of Oct, 1995.

Reid L. Wayman
Reid L. Wayman

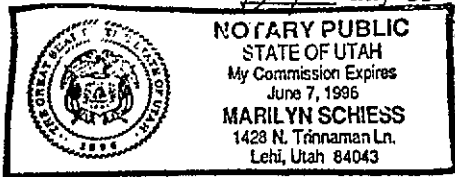
ACKNOWLEDGEMENT

State of Utah)
 :SS
County of Utah)

The foregoing instrument was acknowledged before me this 27th day of Oct, 1995, by Reid L. Wayman.

Marilyn Schiess
NOTARY PUBLIC

Dated this 27 day of Oct, 1995.

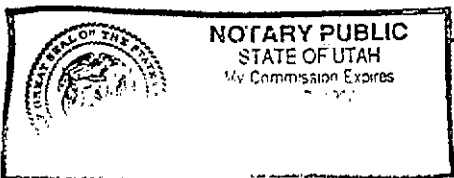


Reid L. Wayman
Reid L. Wayman, Trustee of the
Reid L. Wayman Family Trust

ACKNOWLEDGEMENT

State of Utah)
 :SS
County of Utah)

The foregoing instrument was acknowledged before me this 27th day of Oct, 1995, by Reid L. Wayman, Trustee of the Reid L. Wayman Family Trust.



Marilyn Schiess
NOTARY PUBLIC

EXHIBIT "A"

UTAH SOLID AND HAZARDOUS WASTES COMMITTEE

SOLID WASTE PLAN APPROVAL

PERMITTEE NAME Reid L. Wayman
Craig E. Wayman

PERMITTEE ADDRESS 3561 North Westlake Rd.
Lehi, Utah 84043

TYPE OF PERMIT - Tire Landfill

PERMIT # - 91-01

LOCATION - Landfill will be located in the W 1/2 of
Section 10, T6S, R1W, SLMB; Utah County

The permit application submitted by R. L. Wayman on November 3, 1989 and revised April 6 and May 17, 1990 is incorporated by reference in this solid waste plan approval (hereafter called permit). All representations made in the permit application are a part of this permit. Where differences in wording exist between this permit and the application, the permit wording supersedes that of the application.

By this permit to operate, R. L. and C. E. Wayman (hereafter referred to as Permittee) shall be subject to the following conditions:

- General Operation The Permittee shall operate the tire landfill in accordance with all requirements of R450-301 Utah Administrative Code (UAC) unless otherwise noted in this permit. Any permit noncompliance, other than noncompliance authorized by a variance, constitutes a violation of R450-301 UAC and is grounds for appropriate enforcement action.
- Noncompliance In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are necessary to protect public health and the environment.
- Inspection All operational procedures as outlined in the permit application shall be followed. The landfill will be subject to inspection by the State and/or the City-County Health Department of Utah County.

4. Inspection Access The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Wastes Committee, or an authorized representative, including representatives from the City-County Health Department of Utah County, upon presentation of credentials, to enter during reasonable times upon the Permittee's premises, have access to any records kept under the conditions of this permit, and/or inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under this permit.
5. Prohibited Waste No hazardous waste as defined by R450-1 and R450-2 UAC shall be accepted for treatment, storage, or disposal at the landfill. Any such waste received at the facility will constitute a violation of this permit and R450-301-9(b)(2).
6. Acceptable Waste This permit is for disposal of used tires only. No waste other than used tires may be disposed at the facility. The landfill owner/operator will inspect all waste loads to verify that no wastes other than used tires are disposed in the landfill.
7. Construction Excavation of a cell to accommodate waste tires must be completed prior to the initial receipt of tires at the facility. Large quantities of tires shall not be stockpiled above ground at the site prior to or during operation of the facility.
8. Cover Cover material consisting of suitable plastic sheeting and at least six inches of dirt shall be applied at least monthly. Whenever each 10' by 20' by 40' unit is full, cover consisting of visqueen or other plastic sheeting and at least six inches of dirt shall be applied.
9. Expansion Any expansion of the landfill facility beyond the 50 acres designated in the permit application will require submittal of a new permit application in accordance with the requirements outlined in R450-301 UAC. Any such expansion may also require approval of the state legislature and governor's office as stipulated in 26-14-8 of the Utah Code Annotated 1953, as amended. The Permittee may not begin construction of any expansion until approval from the Executive Secretary of the Utah Solid and Hazardous Wastes Committee, as well as the legislature and the governor, is received in writing.
10. Recordkeeping Records of the approximate number of tires accumulated and the dimensions of tire accumulation must be maintained by the Permittee and available for inspection.
11. Ground Water In the event that saturated soil or ground water is encountered during any excavation of the site, such excavation shall cease immediately and the Bureau of Solid and Hazardous Waste will be notified.
12. Transfers This permit may be automatically transferred to a new permittee if:

- a) The current permittee notifies the Executive Secretary at least 30 days in advance of the proposed transfer date;
- b) The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
- c) The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement described in paragraph b above.
13. Permit Modifications . Modifications to this permit may be made by the permitting agency as necessary as a result of statutory or regulatory changes. The Permittee will be given written notice of any permit modification.
14. Revocation . This permit is subject to revocation if any condition of this permit is not being met. The operator will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under the Utah Solid and Hazardous Waste Act, including 450-12, UAC, and the Utah Administrative Procedures Act.
15. Expiration . This permit shall expire five years from the effective date which will be the date the permit is signed by the Executive Secretary of the Utah Solid and Hazardous Wastes Committee. Application for permit renewal shall be made at least six months prior to the expiration of this permit.

Signed Dennis R. Downs Date February 28, 1991

Dennis R. Downs
Executive Secretary
Utah Solid and Hazardous Wastes Committee

Reid L. Wayman
Craig E. Wayman
3561 N. West Lake Road
Lehi, Utah 84043
Phone 768-9705
25 October, 1989

RECEIVED

TO: Executive Secretary
Utah Solid and Hazardous Waste Committee
288 No. 1460 West
Salt Lake City, Utah

Waste

SUBJECT: Application for solid waste disposal sight approval; specifically for spent tires in Utah County.

Let the following letter with enclosed information serve as application for a solid waste permit in Utah County for the sole purpose of storing spent tires.

In accordance with rule cover sheets applicable to those specifics for such an application, the following is provided.

R450-301-4 Submission of Plans for Solid Waste Disposal Facilities

A.1 Enclosure # 1-3 Plot, map, and aerial photograph giving legal description namely the west $\frac{1}{2}$ of section 10 township ~~6-50~~ Range

1 West SLBM 65

2 & 3 Land-use M&G- Sheep graze this area for a month or two in the spring. This activity would continue with little impact from the area designated for tire storage.

4 No homes within three miles, two homes within 3-5 miles, one of which belongs to applicant.

5 There are no industrial buildings on the property. There are three explosive plants within $1\frac{1}{2}$ miles of the proposed tire collection area.

6 No wells on the property

7 & 8 No water courses or springs on the property other than the natural drainage the canyons provide in times of heavy rain or winter melt.

9 No prominent outcroppings.

- 10 There are roads entering onto the property from the south and from the northeast across either State or Federal lands. BLM has been contacted and provisions for access have been given. The access to the powder companies as well as the clay pits are across public lands and a section of road is a county road that connects to State Highway 68. Road improvements will be needed to make them passable during winter periods of heavy snow for that section of road from either the road to the powder company or the clay pits to the tire collection point.
- 11 B.1 Utah County generates approximately 2000 tires per week. There are or will be three landfills once the Elberta Landfill begins operation. Lindon Landfill has about reached capacity and will be relocating in the Cadar Valley area soon. Both Payson and the Elberta landfills do not want tires.
- 1111B.2 We have the option to buy 320 acres. An area of 30-50 acres is suited for storage of tires and will give many years if not indefinite storage.
- 11 B.3 Tires will be collected from throughout the county on a regular basis (weekly or as necessary). Tires will be placed in a concentrated area and periodically covered with soil. The area will be cleared of all combustible material such as juniper, sagebrush, grass and weeds to insure that range fires, should they occur, will not start tires on fire. We have a D-7 Catapillar available to accomplish this work.
- 11 B.4 This sight will be for the exclusive storage of tires. No other waste is planned. It has been estimated, after talking to several tire stores in the valley, that there are as many as 2000-3000 tires a week generated in Utah County. It is hoped that all the tires generated in the valley will find their way to this designated sight; and that illegal dumping in undesignated locations will cease.
- 11 B.5 A meeting with County Commissioners, County Engineer and Geologist is scheduled for the 13th of November, 1989 to inspect the sight and make recommendations. I will ask for a letter of their findings and will provide you with the same. We expect it to be favorable.
- 11 B.7 D-7 Cat, Back Hoe, Dump Truck, Two trucks and trailer for collecting and hauling tires to sight.
- 11 B. 8 The best control will be prevention. Clearing and covering, and providing a fire break around the area will be maintained. Security fences are planned and access will be through locked gates. This is not to be a public dump. Those gathering tires other than those designated by the applicant will be required to collect and pay a dumping fee. Those dumping in undesignated areas in the county hopefully will be apprehended and prosecuted.
- Utah County fire equipment is located in Lehi, approximately seven miles away.

- 11 B.9 A good road is planned into the area. Tires, unlike other solid waste do not have to be collected and dumped on a tight schedule. Equipment to clear the road is or will be provided. The dump truck can be equipped with a snow blade.
- 11 B.10 Tires do not scatter like plastic and paper. Gates will be installed to provide control and security. Signs designating dumping schedule will be appropriately placed.
- 11 B.11 Enclosure # 4. See offer to purchase pending approval for sight for tire dump. Zion's Bank has accepted our offer and taken earnest money pending approval of sight.
- 11 B.12 The earnest money offer to Zion's needs to be acted upon as soon as possible. Your response in light of Utah County's need for such a dump sight, and Zion's need to know where we stand, with out any unnecessary delays, will be appreciated.

R-450-301-5 Plan Approval.

The concerns listed in this section have been addressed or will be addressed by qualified persons (see 11 B.5), and commitment by applicant. Upon approval and before actual usage will begin, roads, fencing, security gates, posting, and clearing will be completed.

R450-301-6 Solid Waste Facility Operation.

A. It is hoped that the time will come when tires can be recycled. For this reason tires collected should be stored in such a way and place where they can be reclaimed, where they are not an eye sore, and where adequate protection can be provided.

The problem of insect and rodent control needs addressing. While usual garbage needs daily compacting and covering to help control blowing, odors, rodents, etc. tires are a different ball game. Compacting does not work effectively. A light cover over stacked tires will give adequate insect and rodent control, provide fire protection, and make reclaiming possible.

Litter control along access routes has been addressed in this letter (Enclosure # 5) from adjoining property owners who require and we have agreed to keep picked up, before they will agree to give us access across public lands.

We request your input on how best to operate a solid waste location specifically for spent tires.

Our intent in making this request is several fold.

1. Clean up a problem in Utah County.

2. Provide a work opportunity for those involved in collecting and disposing of spent tires.
3. Collect and store for recycling a recyclable product.
4. Stop the illegal dumping of tires in our washes, streams, pits, back yards, etc.
5. Provide a sight that will not adversely affect land values because of its location. The land values in this area have pretty well been established when the area became the location for three powder companies plus IRECO, another explosive plant, located about five miles south.

Thank you for your attention to this matter.

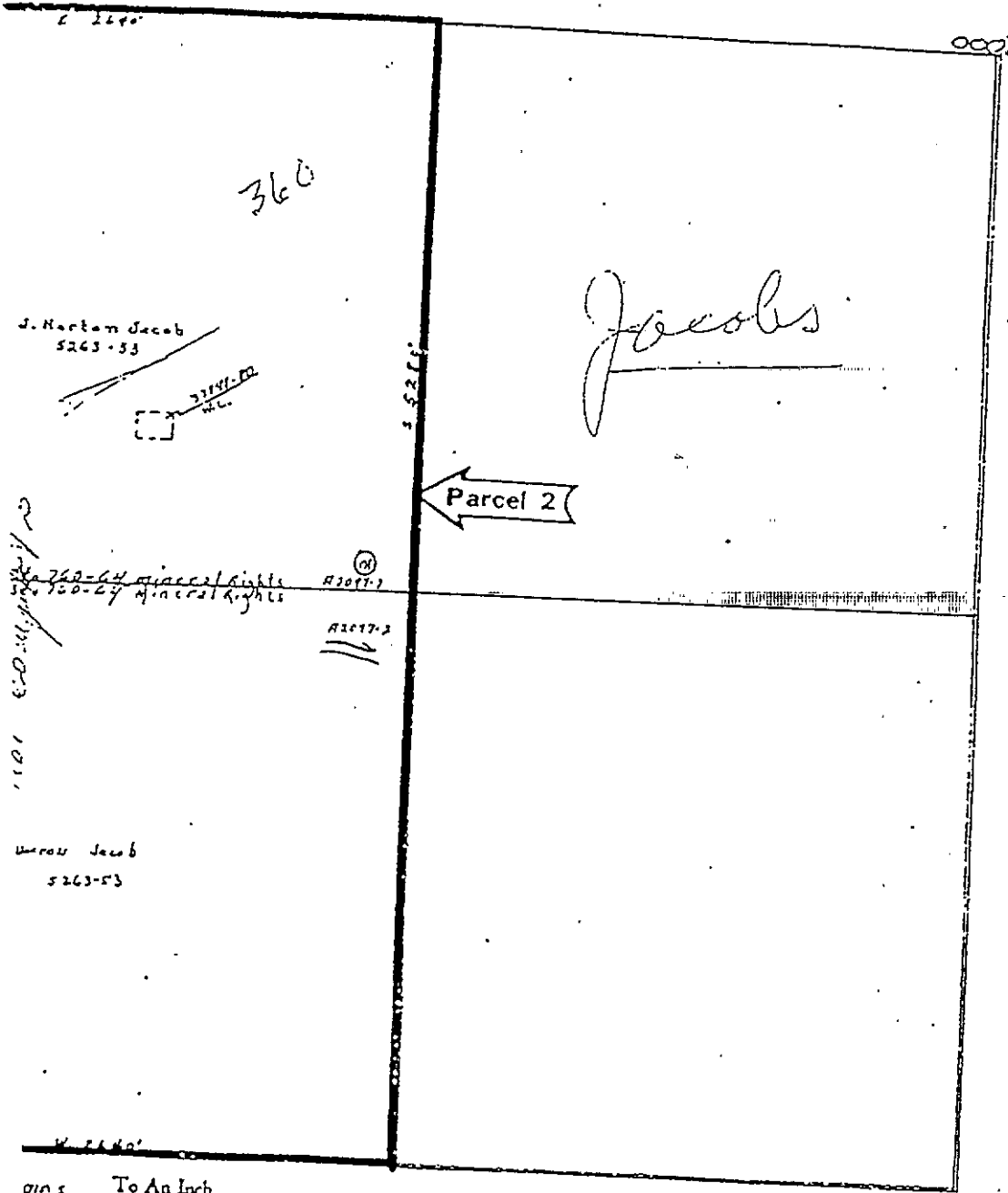
Sincerely,

A handwritten signature in cursive script that reads "Reid L. Wayman". The signature is written in dark ink and is positioned above the typed name.

Reid L. Wayman

RLW/mw

10 Township 6 South Range 1 West



UTAH COUNTY PLATS

Tax Unit 035
59-011-Ritel

Township 6 South

Range 1 West

Handwritten notes:

360

Parcel 2

Jacobs

Parcel 1

0001

0005

To An Inch

UTAH COUNTY PLATS

Tax Unit 035
59-011-Ritel

Township 6 South

Range 1 West

750-64 Mineral Rights

750-67 Mineral Rights

W. H. Jacob 5263-53

J. Harten Jacob 5263-53

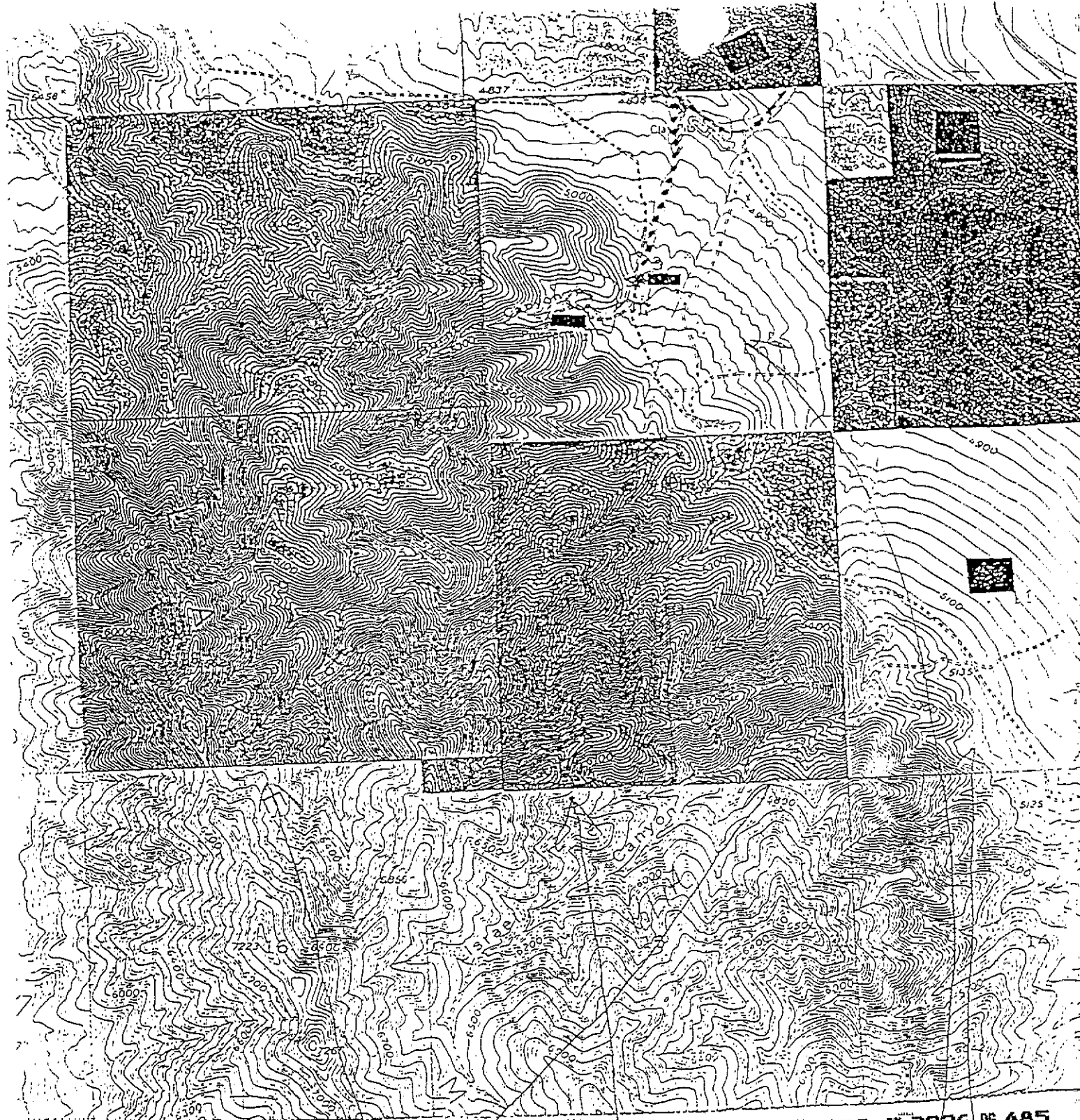
370-8288
Phyllis

59-011-Ritel

20.55

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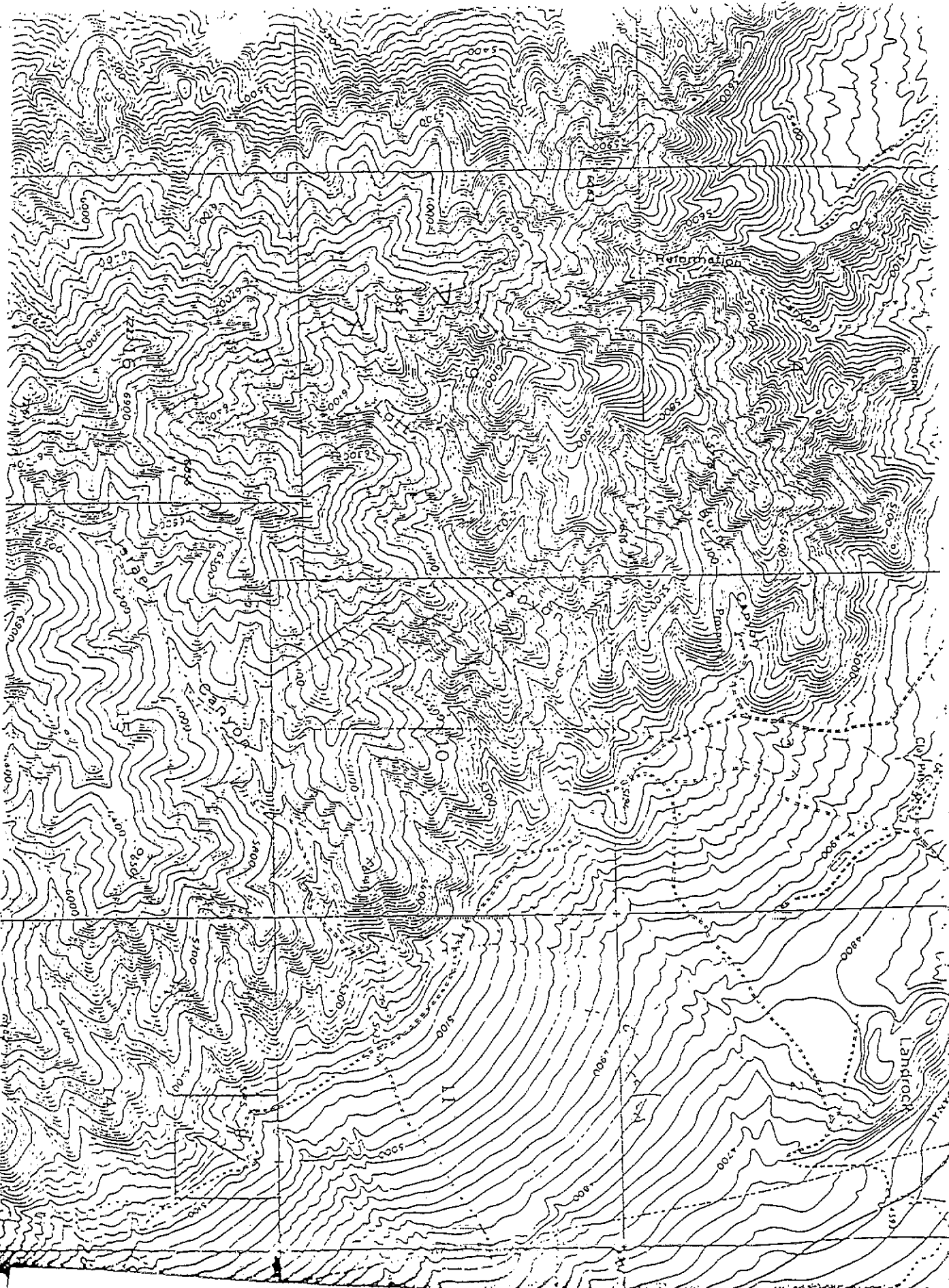
ENT 25672 WK 3926 PG 485

13

B.M.

Banks - property

Stable property



ENT 25672
ENT 25672 BK 3926 PG 486



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SALT LAKE DISTRICT OFFICE
2370 South 2300 West
Salt Lake City, Utah 84119

2900
(U-027)

ENT 25672 BK 3926 PG 487

RECEIVED

2 OCT 1989

Mr. Jeff Mendenhall
Utah County Planning Department
100 East Center Street
Provo, Utah 84606

OCT. 3 1989

UTAH COUNTY
PLANNING DEPT.

6851 1989

Attention Mr. Mendenhall:

The Bureau of Land Management Salt Lake District is submitting this letter as a record of comment toward the requests (Appeals Nos. 1002, 1003 and 1005) for special exception to allow three solid waste processing and disposal facilities by your Board of Adjustment in Utah County. The BLM asks that a special condition be attached by Utah County on each request considered or allowed. The BLM recommends that a bonding or policing mechanism by the county be applied to insure that the special condition is enforced.

In all cases, the proposed facilities would be located on non-federal parcels adjoining BLM administered lands. The BLM no longer authorizes landfills or refuse dumping on public lands. As a public safeguard regarding Appeals Nos. 1002, 1003, and 1005, the BLM asks Utah County to attach a special condition to each request accepted. The special condition would stipulate that, "Any wastes inherent to the operation of an authorized solid waste processing and disposal facility within two miles of public land is the collection responsibility of that facility's management." This mitigating measure would protect Federal and State lands from wastes related to each facility's operation. A stewardship involving private, State and Federal landowners is needed to protect Utah County land management.

Please consider this letter as a record of comment on each appeal. The BLM strongly encourages Utah County to place the included special condition with an enforcement mechanism on each special exception allowance. If you have any questions or request more information, contact the Salt Lake District office.

Sincerely,

Howard Hedrick

Howard Hedrick
Pony Express Resource Area Manager

RECEIVED

OCT. 3 1989

UTAH COUNTY
PLANNING DEPT.

Reid L. Wayman
3561 No. Westlake Road
Lehi, Utah 84043
2 November, 1989
Phone 768-9705

Bureau of Land Management
2370 So. 2300 West
Salt Lake City, Utah 84119

ATTN: Howard Hendrick

Dear Mr. Hendrick,

My son Craig E. Wayman has talked with you about our developing a spent tire solid waste sight in Utah County on the NWest side of Utah Lake on private property. This property is bordered by BLM and state ground.

There are presently roads that cross public lands to the property. Portions of those roads will need to be improved in order to make access possible during winter or stormy periods. It may be necessary to share a road with either Interstate Brick or one of the explosive plants located on public lands that adjoin us.

On sight inspection of the options will be necessary to determine what will be the best route. Access to the powder plants is limited by locked gates. We will be controlling access to the tire dump. If the route best suited crosses a portion of the limited access road to a powder company, We have no problem with locked gates as long as we can pass as necessary.

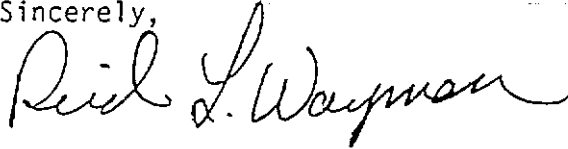
Enclosed are copies of maps showing the relationship of our ground to the property surrounding as, with a description of our property, location of powder plants and Interstate Brick clay diggings, and present roads crossing to the property.

We are scheduled to meet with the Utah County Board of Adjustments on the 7th of November for a hearing to grant permission for such a dump. I am trying to put everything together for that hearing so that we can have a favorable response. County Commissioner, Utah County Engineer and Geologist are scheduled to inspect the sight on the 13th of November. We are to meet at the Commissioner's office in Provo and go to the sight from there. Time: 1:30 p.m.

I have a copy of a letter from the BLM to Utah County Planning Commission dated 2 Oct, 1989 regarding the BLM's position toward trash dumped on BLM access routes to a dump such as we are propossing. We have no argument with that position as stated in this letter. We do need to know the position of the BLM regarding access over BLM property to private property and we would appreciate your response in this matter.

You may wish to inspect the sight for yourself. I would be glad to schedule a time when we could meet and make such a visual inspection. The sooner the better.

Sincerely,

A handwritten signature in cursive script that reads "Reid L. Wayman". The signature is written in dark ink and is positioned below the word "Sincerely,".

Reid L. Wayman

RLW/mw

EXHIBIT "A"

Reid L. Wayman
Craig E. Wayman
3561 N. West Lake Road
Lehi, Utah 84043
6 April, 1990

Bureau of Solid and Hazardous Waste
Attn: Phil Burns

ENT 25672 BK 3926 PG 490

Dear Sir:

In response to your letter dated March 6 and received April 3, 1990, the following information is provided.

- 1) Inadequate maps (301-4(a)) - A map was hand delivered April 6, 1990 with pertinent information included.
- 2) Soil Description (301-4(b)(5)) - Hand delivered information obtained from the Soil Conservation Service that should provide adequate data relative to soil types, depths, etc. as well as ground water data. This location is in an arid location with no springs and no marsh conditions. Water is hauled in by truck for sheep.
- 3) Cover Material (301-4(b)(6)) - Sight preparation will require clearing the area where tires will be stored. Containment berms will be established for containment purposes as well as provide a buffer zone in case a range fire should ever occur. Soil generated in establishing a storage area will be available for cover material. Since the area specified for tire storage will be only a fraction of the area owned by the principle parties, cover material is available. Overburden from clay pits in the area is available for cover material. We have not pursued this source at this time.
Frequency of application- We can only speculate on how fast tires will generate. There are approximately 200,000 tires a year generated in Utah County. What portion of that number we will be able to generate is anyones guess. We are prepared to provide a pick up service. A D7 Cat will be on location for covering and compacting purposes.
Right now tires generated in Utah County end up in one of three locations.
 - 1) They are taken to SLCounty.
 - 2) They are illegally dumped somewhere in Utah County.
 - 3) They go to existing land fills where they are unwanted.

4) Recordkeeping requirements (301-6(k)) - A fee on a per tire or per ton basis will be collected from tire dealers as the tires are picked up. This fee will of necessity cover the costs of collection and of disposal. Tires coming into the disposal sight from sources other than we collect will be charged accordingly. These charges must cover disposal costs as well as be competitive. Disposal cost will include immediate as well as perpetual maintenance costs. The fact that tires may at some time be recycled should have no effect upon collection and disposal costs. Those fees will adjust should a recycling source be found. Once a tire deposit sight has been established in Utah county, land fill tires will be directed our way. Tire dealers will be required to use authorized deposit sights or be subjected to prosecution. Transportation costs for tires leaving the county will make it competitive to leave them here. The proposed sight is a natural horse-shoe shaped basin with unlimited capacity. The enclosed drawing describes graphically how tires will be stored and covered. Access is limited and security can be maintained by closing the access road to the sight. Signs stating days and hours open as well as fees for dumping will be posted.

5) Eventual Disposal - We would hope the with recent legislation passed that recycling of tires will become a reality. Tires must first be accumulated in sufficient numbers to be able to supply a recycling activity. We are watching the progress of the cement plant near Delta that hopes to use tires as a source of heat in the manufacture of cement. We would hope to play a part in that endeavor. Extraction of #14 fuel oil by heating in a vacuum will require tires once that process becomes financially practical. A demonstration of this process is scheduled for the latter part of April according to Mr. Gene Dalton (phone 487-3624). The use of crumb rubber as a soil mulch or soil conditioner is being researched, and the use of rubber tire fines, broadcast over snow on grain fields where winter mold is a problem should be looked at. As you can see by the enclosed flyer, tires used as a mini greenhouse would find a use for spent tires. Tire mats and tire strips for fencing have pretty well been saturated. Crumb rubber as an asphalt base for hiking trails, tennis courts, etc., should be expanded.

If there are any other questions that need to be cleared up, please contact us at 768-9705.

Sincerely,

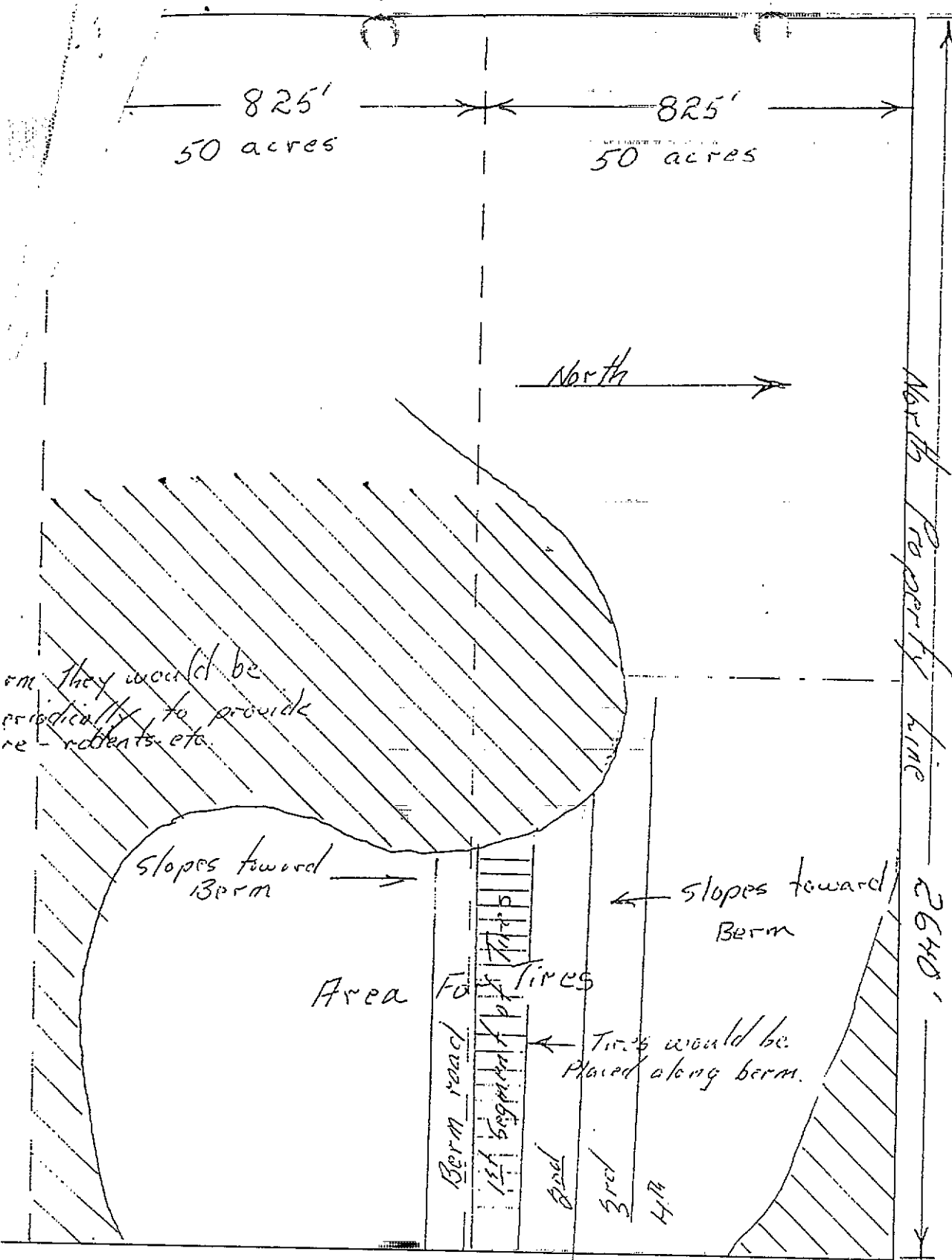
Reid L. Wayman
Reid L. Wayman

PS. My Option on this land expires June 1st 1990. Hope we can know where we are going before then. Thanks

Area
for
Tires

6

4



50 acres

50 acres

320 acres in this piece
of land

As fires fill up ab.
covered with dk.
protection again: -

Reid L. Wayman
Craig E. Wayman
3561 No. Westlake Rd.
Lehi, Utah 84043
17 May, 1990

702-9705

Bureau of Solid and Hazardous Waste
Attention: Phil Burns

ENT 25672 BK 3926 PG 495

Dear Sir:

In response to your letter dated May 4, 1990, the following information is provided.

1. Groundwater elevations and description of geology (301-4 (b)(5)). Groundwater statistics, geographical characteristics and rock outcroppings are addressed in the enclosed information obtained from the Utah Geological and Mineral Survey.

Well information from the closest existing well showing the well log including: soil or rock formations passed through, depth to water, perforations, capacity, temperature, location, and water quality. Should a need for a well ever arise this well would be a good criteria of what we would expect to find. *They have all of the water they use.*

Water for drinking purposes at this powder plant facility is not from the well, but is bottled water brought in.

Excavation depth. This sight is saucer shaped providing natural containment. The area will be cleared of ground cover. The bottom will be smoothed, a berm will be pushed up and excess soil will be stock piled and used as cover material.

2. Frequency and amount of cover application (301-4 (b)(6)). According to statistics from the State Dept. of Motor Vehicle Registration there are approximately 600,000 tires on the road in Utah County. This includes cars, light trucks, and motor cycles, but does not include large trucks, mobil homes, trailers, or off-road vehicles including farm equipment.

Our best estimate is that there are 200,000 to 300,000 tires each year generated in Utah Country that need disposing of. This number will continue to increase. On a weekly basis this would equate to 4000 tires. We think we will be able to accumulate half of that number and hope for more. Keep in mind that tires used for recapping or tires with some tread will be kept and sold as used tires.

An area 10' deep, 20' wide and 40' long allowing one cubic foot per tire would hold all the tires we would accumulate in four weeks.

In order to recycle tires we propose covering tires first with plastic visqueen to keep them as clean as possible, and then covering this with 4 to 6 inches of dirt. We would cover tires with every segment of 20'x 40' accumulation 10' deep. That would require covering monthly. Should tires accumulate on a faster basis we would cover with each segment accumulated. This would protect against fire, eliminate insect and rodent problems, and still make recycling possible.

3. Recordkeeping (301-6(k)). 43560 sq. ft./acre. At 2000 tires per week stacked 10' high one acre would contain sufficient capacity to hold all the tires accumulated for 54 months, allowing 1 cu. ft. for each tire.

Unknown factors: 1. The higher tires are stacked the less space tires on the bottom will require because of compaction. 2. At this point in time we can only estimate the rate of accumulation. Population trends will undoubtedly increase tire numbers. 3. Disposal methods in adjoining counties could impact accumulation numbers. 4. While disposal of industrial (large) tires is in place now, what will the future hold?

SUMMARY:

ENT 25672 BK 3926 PG 496

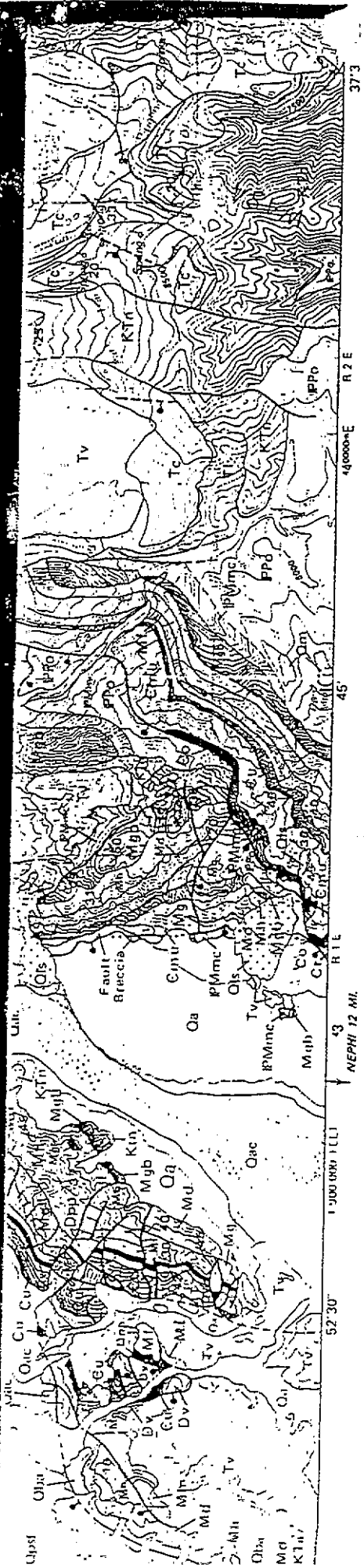
1. We will be working with 2 to 3000 tires a week. Since a pickup service will not commence until approval of this tire landfill, we can only project quantities on the basis of tires generated in the County.
2. Tires will be covered with 4-6" of soil on a monthly basis or whenever an area of tires 20' x 40' accumulates. Plastic will be placed over each segment of tires before covering.
3. An acre will accommodate the collection of tires for 4 years, plus on the basis of tires being currently generated in Utah County. If tires come into this facility from other areas this time schedule would be shortened.
4. Fire protection as well as insect and rodent control will be provided with regular covering of tires.
5. Groundwater and geological characteristics have been addressed by the enclosed information supplied by the ~~State Engineers Office~~, Utah E.M.S.
6. Recycling activity for tires will be pursued as such activities develop.

Sincerely yours

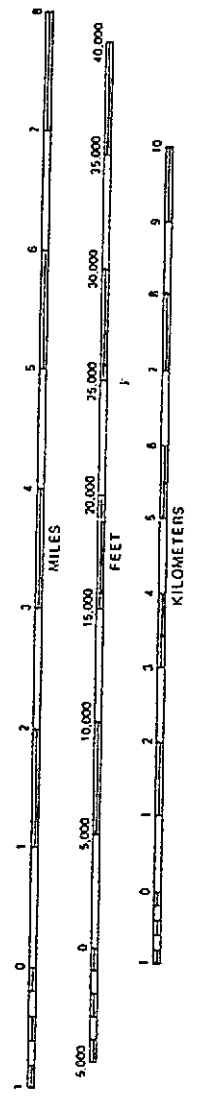


Reid L. Wayman

RLW/uw



SCALE 1:100,000



MAP 55-A
 GEOLOGIC MAP
 OF THE SOUTHERN WASATCH FRONT, UTAH

April 1983

Compiled by Fitzhugh D. Davis

Klaus D. Gurgel, Cartographic Editor
 B.R. Jones, S.R. Stewart and D.E. Powers, Cartographers

Published and sold by
 UTAH GEOLOGICAL AND MINERAL SURVEY
 Genevieve Atwood, Director
 606 Black Hawk Way
 Salt Lake City, Utah 84108

Reed Wayman
 768-970.5 (heli)

W 1/2 S.10, T6S, R1W
 Saratoga 7.5'
 ~ 2mi W of Utah Lake
 2mi S of Saratoga Springs

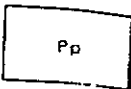
Red to brown sandst

bedded shale, siltstone, and thick.

UNCONFORMITY

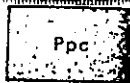
OQUIRRH BASIN FACIES

SHELF FACIES



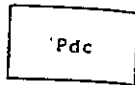
Phosphoria Formation (or Group)

Light gray massive cherty limestone with some interbedded dolomite; phosphatic and siliceous shale in middle part; 1,655 ft. thick in upper Hobbie Creek Canyon.



Park City Formation

Gray to tan limestone with interbedded gray to tan limy sandstone and a medial unit of black shale and thin phosphatic shale; thickness 870 ft. in the northeast corner of the map.



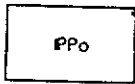
Diamond Creek Sandstone

Tan, gray, and red crossbedded sandstone with some interbedded dark to light gray limestone; 1,000 ft. thick.



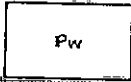
Kirkman Limestone

Gray to black limestone, partly laminated; partly cemented breccia; 75-200 ft. thick.



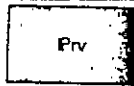
Oquirrh Formation

This formation (or group) is a thick allochthonous unit that has moved eastwards along with other strata in great imbricate thrust slices. In general the lower 1100-1300 ft. consists of dark gray to black, thin- to thick-bedded cherty limestone with a few quartzite beds. Above this basal unit the remainder of the formation is composed of gray to tan limy or quartzitic sandstone, tan quartzite, and gray to black limestone and cherty limestone; 17,050 ft. thick in Provo Canyon area, 6,300 ft. thick in Lake Mountain.



Weber Quartzite

Gray to tan quartzitic sandstone with beds of gray cherty limestone; 8,000 ft. thick along the ridge north of Bear Canyon on the northeast part of the map.



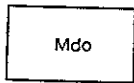
Round Valley Limestone

Light gray crystalline limestone with white and orange-red chert; 225-400 ft. thick.



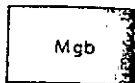
Manning Canyon Shale

Black and brown shale with interbedded thin gray limestone and shaly sandstone; 1,650 ft. thick north of Springville, 1,121 to 1,419 ft. thick in Lake Mountain.



Doughnut Formation

Black shale and dark to light gray limestone, in part shaly; 1,300 ft. thick.



Great Blue Limestone

Dark gray to black, thin, regularly bedded limestone and shaly limestone with some interbedded brown and black shale; 2,800 ft. thick in the Rock Canyon area (east of Provo) and about 2,500 ft. thick in the Lake Mountain.

Limestone... the symbol, including units with representative order: Teutonic Dagmar Dolomite, 306 stone, 340 ft.; Bluff of Cole Canyon Dolomite.



Maxfield Limestone

Dark- to light-gray limestone generally with some interbedded gray especially near top, 595 ft. Falls quadrangle.



Ophiolite Formation

Olive-green micaceous shaly bedded gray shale with rusty quartzite near the West Mountain.



Quartzite

Tan-weathering and grained quartzite with pel base; thickness 1,170 ft. 959 ft. in Dry Mountain.

UNCONFORMITY



Flint Quartzite (Br)

These units are mixed, that in the Charleston thrust at Creek Reservoir.

Lower Permian

Middle Cambrian

PERMIAN

Upper Middle Lower Pennsylvanian

PENNSYLVANIAN

Upper Mississippian

MISSISSIPPIAN

consists of small, gently rounded hills that rise 2,000 feet above the waters of Utah Lake (4,487 feet above sea level). The rocks exposed in the range are brecciated and faulted. The Pennsylvanian Oquirrh Formation and Tertiary tuffaceous strata of the Salt Lake Group (Pitchfork-like Bonneville conglomerate covers much of the range and Lake Bonneville deposits overlap it on the west side of the Alpine and Bonneville formations in the Narrows.

In the west part of the Traverse Mountains the dips are generally in different directions. At least five north-south faults are on this side. Hunt (1953) mapped a fault, the Provo, along the southern flank of the east Traverse Mountains. These mountains are considered to be an intermediate stage between the Wasatch and Oquirrh mountains to the west and the down-dropped valley blocks to the north. The presence of thrust faults is believed to underlie the range.

A group of low, smoothly rounded hills adjoining the western side of the Provo Formation. The eastern parts of these hills consist of Pennsylvanian rocks. The Paleozoic strata are overlain by clastics to the west (Bullock, 1951).

Wasatch Mountains
 As viewed from the west, form a high, imbricate range. In the westernmost range in the Middle Rocky Mountains. In the southern Wasatch Front, the highest peak is Mount Timpanogos, 11,750 feet (3,581 meters). Other high summits are Provo Peak at 11,068 feet (3,374 meters), and Santaquin Peak at 10,192 feet (3,107 meters), and Santaquin Peak (3,107 meters). The Wasatch Mountains present a relief of high plateaus above the floor of Utah Valley. The chief faults are north-south, American Fork River, Provo River, and North Fork River, all of which have carved deep canyons.

The mountains range in age from Precambrian to Tertiary. The Farmington Canyon Complex which forms the western side of Dry Mountain just southeast of Provo is the Tibble Formation which crops out in the mountains. The rocks of the range, in this area, are quartzite, dolomite, shale, and sandstone. The rocks have undergone at least two episodes of mountain building. The first episode occurred in Late Cretaceous time and resulted in the formation of steep normal and reverse faults. The second episode was the thrust movements. The Charleston Fault is believed to underlie most of the mountains. The Provo Fault is a normal uplift along large-scale, north trending faults. The Provo Fault is believed to be a normal uplift along large-scale, north trending faults. The Provo Fault is believed to be a normal uplift along large-scale, north trending faults.

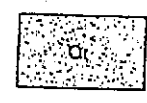
The Provo Fault is the western boundary of the Wasatch Mountains. It is active today. The zone consists of many faults that displace Paleozoic rocks as well as Tertiary rocks. The faults that crop out high on the mountains are generally north-south, along faults dipping 30° to 50° west. The Provo Fault is a normal fault, along which limestones of Mississippian age are in place. The Provo Fault is a normal fault, along which limestones of Mississippian age are in place. The Provo Fault is a normal fault, along which limestones of Mississippian age are in place.

Pleistocene and Recent

Pleistocene

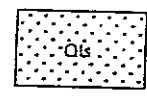
Pleistocene

Mudflow, dominated by volcanic material in Provo Deer Creek



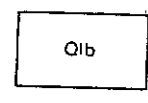
Terrace Deposits

Stream terraces consisting of silt, sand, and gravel.



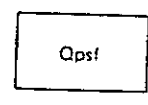
Landslides

Masses of rock and soil moved downslope by the force of gravity; generally unstable slopes.



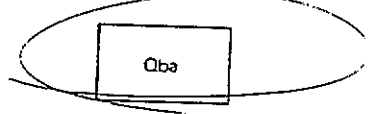
Provo Formation and Younger Lake Bottom Sediments

Clays, silts, sands, and locally, offshore sand bars.



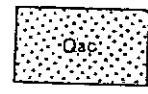
Provo Formation and Younger Shore Facies

Chiefly sand and gravel in beach deposits, bars, spits, and deltas.



Bonneville and Alpine Formations**

Mainly shore facies of sand and gravel; includes beach deposits, bars, spits, and deltas.



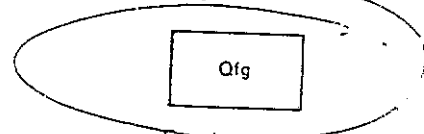
Alpine Formation

Chiefly offshore facies of clay, silt, and fine sand in thin beds.



Moraines

Glacial moraines, till, and outwash that consist of unsorted mixtures of clay, silt, sand, gravel, and boulders.

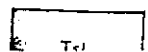


Fonglomerate

Unconsolidated and poorly sorted boulders, gravel, sand, silt, and clay deposited in pre-Lake Bonneville alluvial fans. In the mountains some of these deposits may be Late Tertiary.

UNCONFORMITY

SEDIMENTARY ROCKS

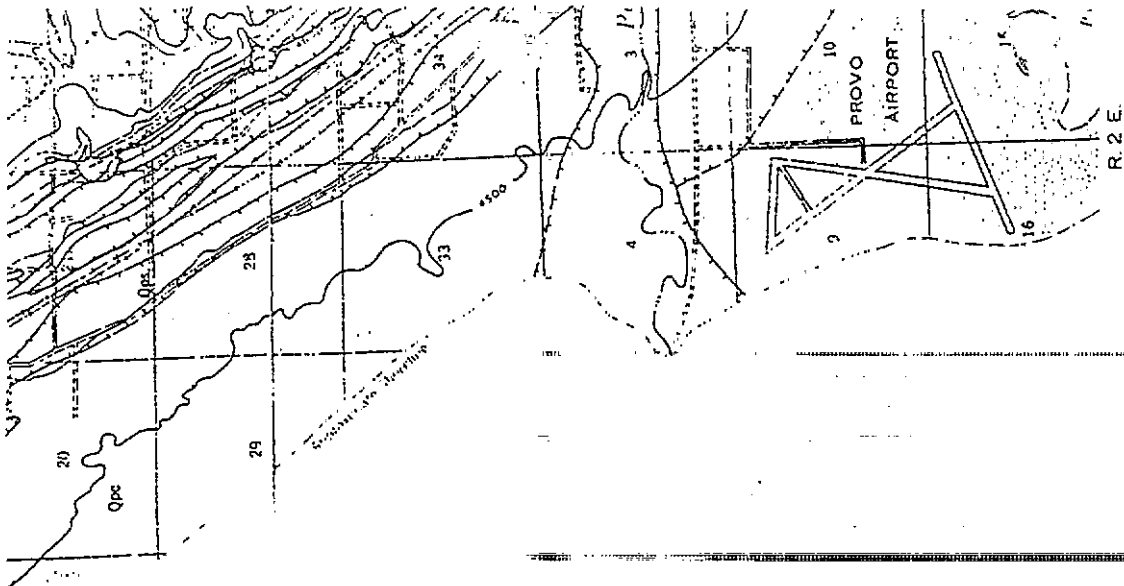


QUATERNARY

Lower Permian

Ph
 Light & interbedded shale in Hobbie

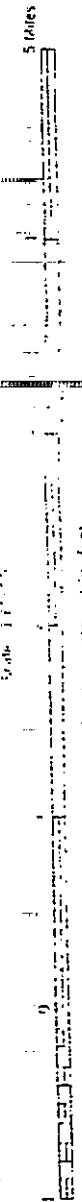
Tan, grt some in 1,000 ft

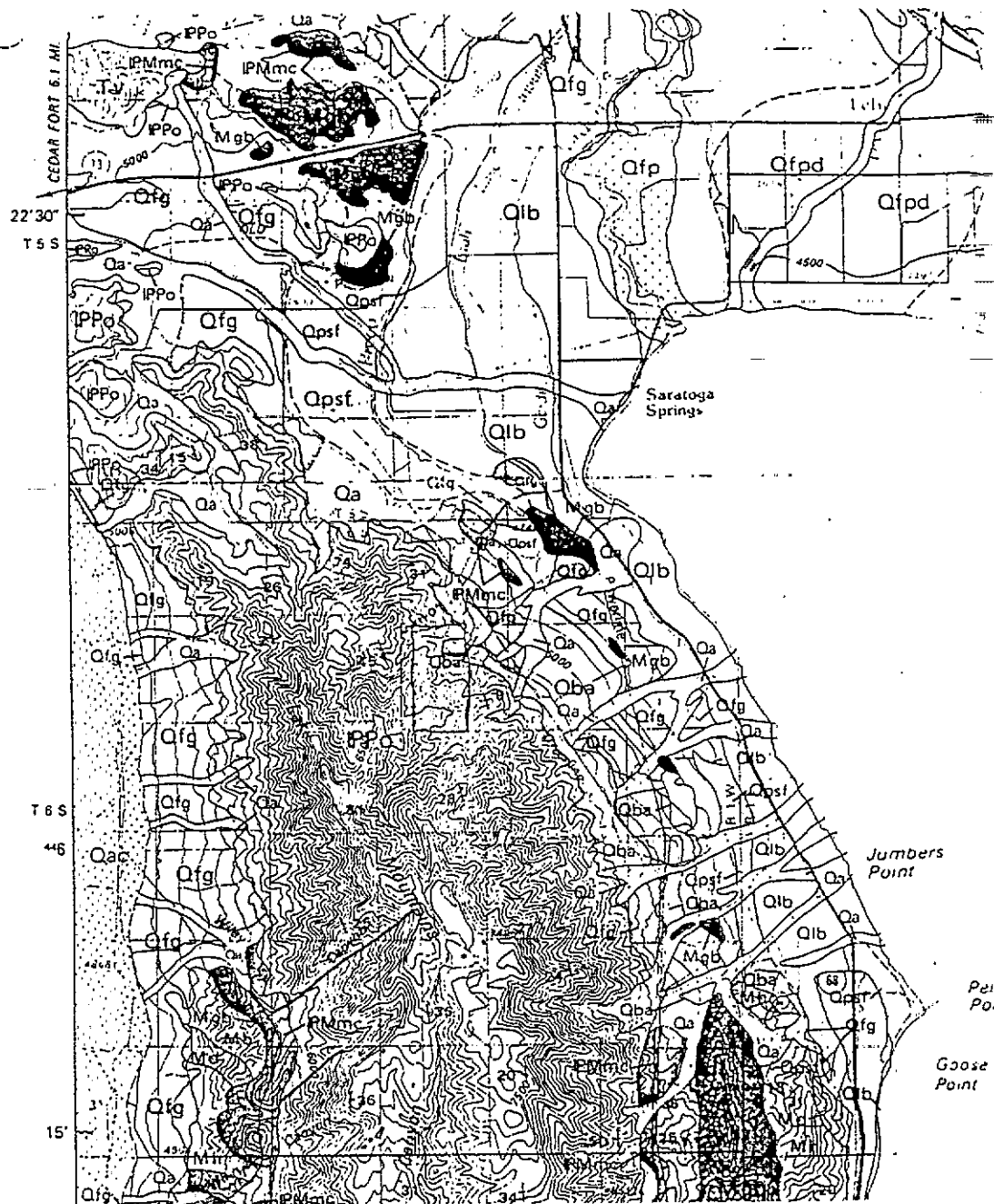


L A K E

R I E

GEOLOGIC MAP OF NORTHERN UTAH VALLEY, UTAH COUNTY, UTAH





SHALLOW GROUND WATER AND RELATED HAZARDS IN UTAH

By Suzanne Hecker, Kimm M. Harty, and Gary E. Christenson

Not included in areas ~~with~~ with
~~shallow~~ -shallow groundwater
(< 30 ft)

UTAH GEOLOGICAL AND MINERAL SURVEY

a division of

UTAH DEPARTMENT OF NATURAL RESOURCES

MAP 110

1988



LIQUEFACTION POTENTIAL MAP

for

UTAH COUNTY, UTAH

by

Loren R. Anderson, Principal Investigator
Jeffrey R. Keaton, Co-Principal Investigator
Jon E. Bischoff

Department of Civil and Environmental Engineering
Utah State University
Logan, Utah
and

Dames and Moore Consulting Engineers
Salt Lake City, Utah

Date Submitted: May 1, 1986
Sponsored by: U.S. Geological Survey Contract No. 14-08-0001-21359
Contract Officer's Representative: John H. Pfluke
Effective Date of Contract: June 1983
Expiration Date of Contract: December 31, 1984
Amount of Contract: \$71,582.00

*estimated
depth to
groundwater
greater than
50 ft.*

The views and conclusions contained in this document are those of the authors and should not be interpreted as necessarily representing the official policies, either expressed or implied, of the U.S. Government.

EXHIBIT "B"



State of Utah
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF SOLID AND HAZARDOUS WASTE

Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
Executive Director
Dennis R. Downs
Director

288 North 1460 West
P.O. Box 144880
Salt Lake City, Utah 84114-4880
(801) 538-6170
(801) 538-6715 Fax
(801) 536-4414 T.D.D.

ENT 25672 BK 3926 PG 506

April 13, 1993

Reid L. Wayman
Craig E. Wayman
3561 North Westlake Road
Lehi, Utah 84043

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gentlemen:

SUBJECT: Third Notice of Violation and Order for Compliance for Wayman
Tire Landfill and Tire Pile

On April 1, 1993 representatives of the Division of Solid and Hazardous Waste and the City-County Health Department of Utah County conducted an inspection of the tire landfill facility under your ownership and tire pile adjacent to your orchard. The enclosed NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE is based on the findings from that inspection.

Please be advised that compliance with this ORDER is mandatory. Also be advised that the Utah Administrative Code R315-301-5(f) allows for termination of an approved operating plan for noncompliance with any condition of the approval plan.

The enclosed ORDER requires that the landfill facility be in compliance within 30 days. The order also requires the landfill facility to cease receipt of tires. This order also requires that the tires stored in piles on your property outside of the landfill be removed.

Compliance with this order will be determined by future inspection by Division of Solid and Hazardous Waste staff and personnel of the City-County Health Department of Utah County.

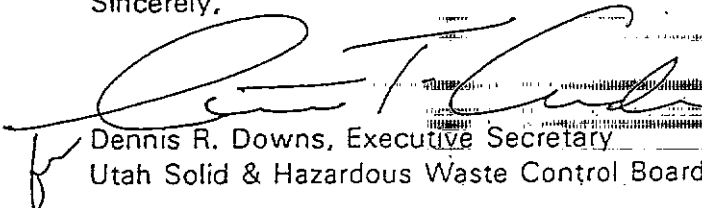
The Utah Solid and Hazardous Waste Control Act provides for penalties for the violation of orders, plans, and rules adopted under the act. Penalties may be up to \$10,000 per day

for every day of violation. This penalty may be assessed for violations of the enclosed order and for violations of the approved operating plan, the Solid and Hazardous Waste Control Act, and the Solid Waste Management Rules that resulted in this order.

If you have any questions regarding this matter, please contact Ralph Bohn at 538-6170.

Sincerely,

ENT 25672 BK 3926 PG 507



Dennis R. Downs, Executive Secretary
Utah Solid & Hazardous Waste Control Board

DRD/RB/al

Enclosures

c: Fred Nelson, Office of the Attorney General
Joseph K. Miner, M.D., M.S.P.H., Director,
City-County Health Department of Utah County

BEFORE THE UTAH SOLID & HAZARDOUS WASTE CONTROL BOARD

ENT 25672 BK 3926 PG 508

---oo0oo---

In the Matter of: : NOTICE OF VIOLATION
Reid L. Wayman : ORDER FOR COMPLIANCE
Craig E. Wayman :
(Wayman Landfill) : No. 9304024

---oo0oo---

This NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE is issued by the UTAH SOLID AND HAZARDOUS WASTES CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), section 19-6-101, et seq., Utah Code Annotated 1953, as amended. The Board has delegated to the Executive Secretary authority to issue such ORDERS in accordance with sections 19-6-107(7) and 19-6-112(1) and (2) of the Utah Code Annotated.

FINDINGS

1. Reid L. Wayman and Craig E. Wayman are owners of the property described as follows:
West 1/2 of Section 10 Township 6 South, Range 1 West, Salt Lake Base and Meridian.
2. Reid L. Wayman and Craig E. Wayman operate a tire disposal facility on the above described property (hereafter referred to as the Wayman Landfill).
3. Reid L. Wayman and Craig E. Wayman own and operate Lake Mountain Orchards on State Highway 68 in Utah County, Utah.

4. Reid L. Wayman and Craig E. Wayman were issued a solid waste plan approval (hereafter called permit) to operate a tire landfill on February 28, 1991 by the Executive Secretary of the Utah Solid and Hazardous Waste Committee (now Control Board).

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5. Wayman Landfill is subject to all applicable provisions of the Utah Administrative Code (UAC) R315 and the solid waste permit.

6. Authorized representatives of the Division of Solid & Hazardous Waste (DSHW) and the City-County Health Department of Utah County conducted a compliance inspection on April 1, 1993 at the Wayman Landfill and the fruit sales outlet on state Highway 68.

7. Permit condition No. 7 states in part:

Excavation of a cell to accommodate waste tires must be completed prior to the initial receipt of tires at the facility. Large quantities of tires shall not be stockpiled above ground at the site prior to or during operation of the facility.

Response to Notice of Deficiency No. 1 response No. 3, incorporated as part of the permit, states in part:

Containment berms will be established for containment purposes as well as provide a buffer zone in case a range fire should occur.

During the April 1, 1993 inspection, the inspectors found tires not contained by any berms and covering an area of approximately 100 yards from the top of a hill to the drainage below. Tires were also stored in a pile at the facility entrance and scattered along the roads within the facility.

8. Permit condition No. 8 states in part:

Cover material consisting of suitable plastic sheeting and at least six inches of dirt shall be applied at least monthly.

ENT 25672 BK 3926 PG 510

UAC R315-301-6 (d) states:

The working face shall be limited to the smallest area practical to confine the amount of exposed waste without interfering with effective operation procedure.

During the April 1, 1993 inspection, the inspectors found that all tires received by the Wayman Landfill were exposed or only partly covered with plastic sheeting. Three piles were only partly covered with plastic sheeting and had no dirt cover. The fourth pile had no cover, was not in a cell and had no working face.

9. Reid L. Wayman and Craig E. Wayman are subject to UAC R315-301-13 which states as follows:

(a) These standards are applicable to the storing of waste tires in piles where 1,000 or more tires are stored at one facility. These standards do not apply to permitted waste disposal facilities and municipal landfills that have tire piles.

(b) Owners or operators of tire pile facilities shall:

(1) submit the following for approval by the Executive Secretary

(A) a plan of operation;

(B) a plot plan of the storage site showing;

(i) the arrangement and size of the tire piles on the site;

(ii) the width of the fire lanes and the type and location of the fire control equipment; and

(iii) the location of any on-site buildings and the type of fencing to surround the site;

(C) a financial assurance plan including the date the financial assurance mechanism becomes effective; and

ENT 25672 BK 3926 PG 511

(D) a vector control plan;

(2) accumulate tires only in designated areas;

(3) control access to the tire pile site by fencing;

(4) limit individual tire piles to a maximum of 5,000 square feet of continuous area in size;

(5) limit the individual tire piles to 50,000 cubic feet in volume or 10 feet in height;

(6) insure that piles be at least 40 feet from the perimeter of the property and 50 feet from any building;

(7) effect a vector control program, if necessary, to minimize mosquito breeding and the harborage of other vectors such as rats or other animals;

(8) provide for a 40 foot fire lane between tire piles;

(9) provide on-site fire control equipment that is maintained in good working order;

(10) display an emergency procedures plan and inspection approval by the local fire department and require all employees to be familiar with the plan and be trained in the emergency procedures;

(11) obtain an approval or permit from the local fire department, if required, and be in compliance with all applicable local environmental and zoning requirements;

and

(12) establish financial assurance for clean-up and closure of the site.

(A) Financial assurance may include insurance, surety bond, trust fund, other mechanism, or combination of mechanisms.

(B) The amount of financial assurance shall be equivalent to 35 cents per tire held as inventory at the storage site.

ENT 25672 BK 3926 PG 512

(C) Financial assurance shall be approved by the Executive Secretary and administered by the local county health department in which the tire pile is located.

(c) Tire recyclers, as defined by Section 26-32a-103(7), that store tires in piles prior to recycling shall comply with the following requirements:

(1) the owner or operator shall submit the information required in Subsection (b)(1) of this section;

(2) the tire pile site shall be in compliance with the requirements of Subsections (b)(2) through (b)(12) of this section;

(3) tires stored for recycling inside a building are not required to comply with the requirements of Subsections (b)(4) through (b)(7) of this section;

(4) the amount of financial assurance required by Subsection (b)(12) of this section shall be equivalent to 35 cents per tire held as the average inventory during the preceding year of operation; and

(5) recycle and move from the site at least 75% of the tires entering the site during the calendar or fiscal year. An owner or operator not meeting this requirement will no longer be considered to be operating a storage site for recycling and compliance with all requirements for tire piles will be required.

Reid L. Wayman and Craig E. Wayman have not submitted a plan of operation, plot plan, financial assurance plan, and vector control plan to the Executive Secretary of the Solid and Hazardous Waste Control Board.

DETERMINATION OF VIOLATIONS

ENT 25672 BK 3926 PG 513

Based on the previously stated findings the Executive Secretary of the Solid and Hazardous Waste Control Board has determined that Reid L. Wayman and Craig E. Wayman have violated provisions of the UAC and the solid waste disposal permit issued February 28, 1991. Specifically, Reid L. Wayman and Craig E. Wayman have violated the following:

1. Permit condition No. 1 by failing to operate the facility in accordance with UAC R315-301.
2. Permit condition No. 7 and Response to Notice of Deficiency No. 1 response No. 3 by stockpiling tires above ground without berms or cells.
3. Permit condition No. 8 and UAC R315-301-6 (d) by not covering tires and by maintaining more than one active disposal area.
4. UAC R315-310-13 by not submitting the required documents.

ORDER

ENT 25672 BK 3926 PG 514

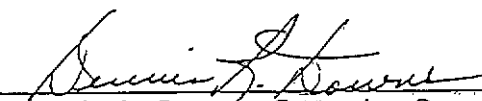
Based on the foregoing FINDINGS AND VIOLATIONS, Reid L. Wayman and Craig E. Wayman, pursuant to section 19-6-112 of the Utah Code Annotated, are hereby ORDERED TO:

1. Immediately cease and desist the acceptance of tires at the Wayman landfill.
2. Immediately initiate all necessary action to achieve total compliance with all applicable provisions of the UAC and the permit and demonstrate, to this office, compliance within 30 days.
3. Immediately collect all tires at the facility into cells as required in the permit.
4. Immediately close and cover all landfill cells at the facility.
5. Immediately cease and desist storing tires at the Lake Mountain Orchards facility.
6. Remove all tires from the Lake Mountain Orchard site or submit the required documents within 30 days.

COMPLIANCE, OPPORTUNITY FOR HEARING

ENT 25672 BK 3926 PG 515

This ORDER is effective and shall become final upon receipt by Reid L. Wayman or Craig E. Wayman. UCA 19-3-113(2) provides that violators of the Solid and Hazardous Waste Act or any ORDER issued thereunder may be subject to a civil penalty of up to ten thousand (\$10,000.00) dollars per day for each day of violation.

By: 
Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

DRD/RB/al