



PLANNING & ZONING OFFICE

Scott Lyons

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BOX ELDER COUNTY PLANNING COMMISSION - LETTER OF DECISION

March 31, 2017

**Re: Application CUP16-002 / SP16-001
PROMONTORY POINT RESOURCES – Conditional Use Permit
Parcel #: 01-012-0160**

To whom it may concern,

At its meeting on March 16, 2017, the Planning Commission approved your application for a Conditional Use Permit to construct a non-hazardous landfill on the parcel mentioned above.

This permit was approved subject to the following conditions:

1. The solid waste facility is permitted for ancillary and support facilities necessary to conduct its business such as offices, maintenance facilities, laboratories, records storage facilities, process stations and equipment, fuel and chemical storage, and support services to maintain a workforce.
2. The operator of the municipal solid waste facility shall maintain all facilities and activities in such fashion to assure conformity to all Box Elder County land use, health, building, plumbing, mechanical and electrical codes, National Fire Protection Association Standards (NFPA), and other County ordinances, rules and regulations.
3. Copies of the licenses and permits issued by the State of Utah, Department of Environmental Quality, Division of Solid and Hazardous Waste shall be filed with the County Department of Engineering. The facility shall not operate without the proper permits being in force.
Copies of permits have been submitted.
4. The operator of the solid waste facility shall maintain a contingency plan and shall report to Box Elder County and the Bear River Health Department any conditions that may endanger human health or the environment. Any such information shall be reported orally as soon as practicable once the operator of the solid waste facility becomes aware of the circumstances of such incident and in writing within 72 hrs.
The Contingency Plan has been submitted.
5. The operator of the solid waste facility shall take all reasonable steps to minimize and correct any adverse impacts on the public health and environment. At a minimum, the operator may be required to address on-site monitoring; which may be required for assessment of impacts to air, water, soil, vegetation and public health exposures on all property under the control of the solid waste facility. Any air, soil or groundwater

monitoring assessments shall be provided to the Box Elder County Community Development Department and the Bear River Health Department. Box Elder County reserves the right to monitor and assess all subject properties that may be impacted at its discretion.

6. The operator of the solid waste facility shall allow Box Elder County or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - (a) enter at reasonable times upon the solid waste facility premises where a regulated facility and/or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) have access to copy any records that must be kept under the conditions of this permit;
 - (c) inspect any facilities, equipment, practices, or operations regulated or required under this permit; and
 - (d) sample or monitor for the purpose of assuring permit compliance or as otherwise directed by Box Elder County, any substances or parameters at any location.
7. The provisions of the permit are severable. If any provisions of the permit, or the application of any provision of the permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected.
8. The conditional use permit shall be reviewed upon any change in the facilities operation. Box Elder County, the landowner or the operator may review the permit at any time.
9. This conditional use permit is revocable by the Planning Commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the Box Elder County Land Use Management and Development Code, the Box Elder County Code, or the Utah State Code.
10. If the conditional use permit is revoked, the operator must immediately suspend all waste acceptance and complete corrective actions. Any waste operations must be approved by the County Commission until a conditional use permit is approved.
11. Loose materials shall be off-loaded in a covered structure to prevent fugitive waste from escaping into the landscape and off site. Bailed waste may be off loaded at the cell. The operator may submit an alternative plan and guarantee to be approved by the Planning Commission that will allow handling of loose waste without a covered structure for off-loading.

As the applicant is proposing offloading the loose waste from tarped trucks at the working face, mobile fencing shall be used at the face to keep loose waste from exiting the offload area.

12. The operator will submit a fugitive dust plan and guarantee to be approved by the Planning Commission that will insure containment of fugitive dust.

The Fugitive Dust Control Plan has been submitted.

13. Before startup, an operations plan shall be submitted to the Box Elder County Planning Commission for review. The plan shall be updated and reviewed every five years with the Box Elder County Planning Commission. Each five-year plan shall expire and all operation shall cease until a new plan is approved.

The Operations Plan has been submitted.

14. The landowner shall submit a State approved closure plan to Box Elder County which will include post-closure activities. 1 year prior to closure or at the time that the solid waste facility is 90% filled, whichever is earlier, the landowner shall submit an updated State approved closure plan to Box Elder County. Box Elder County must approve any changes before closure activities may begin.

The state approved Closure Plan has been submitted.

15. The operator and landowner of the solid waste facility shall comply with the licensing and inspection requirements of Box Elder County Code and the Utah State Code.

16. All internal roads shall be constructed with a dust free surface or treatment.

17. Any waste that is blown as a result of the transportation or processing of waste from the operation of the facility shall be cleaned up daily.

18. The construction drawings of cells shall be submitted to the Box Elder County Department of Engineering for approval prior to construction.

The Site Plan is currently under review by the County Engineer and any approval of the CUP is subject to the County Engineer's approval of the Site Plan.

19. The operator of the solid waste facility shall complete a mitigation agreement with the Board of County Commissioners.

The Mitigation Agreement was approved by the County Commission subject to review by the County Attorney.

20. The operator of the solid waste facility shall build a perimeter security fence of a sufficient size to prevent unauthorized access.

Per Planning Commission motion the applicant shall install a six foot perimeter fence.

21. The applicant shall adhere to the roadway improvement plan approved by the County Road Supervisor.

- a. *Per Planning Commission motion a \$5 million bond must be in place. This bond will first be reviewed along with the roadway in September 2018.*

- Following that review the bond and roadway will be reviewed every other year in September.*

- b. *The \$5 million bond may be released when operations are switched to rail and based upon a final inspection between PPR and the Box Elder County Road Department.*

- c. *This includes the summary of the CRS study provided by Bill Gilson.*
 - d. *This also includes signage and all other recommendations made by CRS Engineers in their analysis of East Promontory Road.*
- 22. When on East Promontory Road trucks shall travel by convoy.
 - a. All convoys shall be led by a pilot car.
 - b. There shall be a minimum of five trucks per convoy.
 - c. Convoys shall be arranged so that no convoy passes to/from landfill site.
- 23. Hours of operation.

Per Planning Commission motion hours of operation will follow daylight.
- 24. Damage to water lines along/under East Promontory Road, both culinary and stock.

Per Planning Commission motion damage to water lines shall be handled on a case-by-case basis to determine who is liable for repairing that particular line.
- 25. Compliance with reviews and recommendations made by the State of Utah Division of Wildlife Resources.

This review is still in process.
- 26. Compliance with all County, State, and Federal requirements and regulations.

The Planning Commission wanted to emphasize the importance of this condition.

If you have any questions regarding this application, please contact this office at 435-734-3316.

Sincerely,



Scott Lyons