

***Box Elder County Land Use Management &  
Development Code  
2015 Solid Waste Corridor Recommendations***

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## Introduction

This Solid Waste Corridor recommendation was developed under the direction of Box Elder County. In 2009, Box Elder County determined that restrictions should be made in siting future solid waste disposal facilities in efforts to protect the best interest of the county residents. These restrictions need to be regularly reviewed and updated to reflect changing technology, greater understanding of risks, and changing community values. The Solid Waste Corridor restrictions were again reviewed and updated in 2011.

Box Elder County recognizes the need for solid waste facilities. This 2015 update will ensure that the corridor has the capacity for Box Elder Counties' growing population and some of the surrounding communities. In addition, this update provides an application process whereby the Solid Waste Corridor can be expanded.

## Purpose

The purpose of this Solid Waste Corridor update is to establish additional criteria for the areas where solid waste activities could be managed with the assurance that the residents and the environment will be protected. Below are the reasons these criteria were selected:

### Airports

Solid waste activities attract birds. Having those activities near an airport may increase the chances of a bird strikes and aviation accidents. The required separation is mandated by RCRA regulations as well as the FAA.

### Viewsheds

Solid waste activities create eyesores. These activities, if unscreened, can diminish quality of life and have detrimental economic impacts for communities in the surrounding areas. Separation can minimize that impact.

### Geology

Solid waste activities require containment to protect human health and the environment. Unstable geologic conditions will impair the containment system and can cause a release into the environment. Known seismic hazards such as identified faults and liquefaction should be avoided. By requiring separation from known seismic hazards the peak ground acceleration (PGA) will be diminished and engineered containment systems will have a greater chance for survival. Requiring separation from known geologic hazards will enhance public health and safety and reduce risks of pollution to the air, water and land.

### Surface and Ground Water

Solid waste activities produce undesirable materials that can harm the environment and endanger human health. All waste containment systems leak. Minimizing leaks is a primary consideration for solid waste regulations. Locating solid waste activities near Pristine Ground Water, Irreplaceable Ground Water, or Ecologically Important Ground Water could lead to contamination with no know solutions. Locating those activities over shallow ground water used

for drinking is not prudent due to the risk posed to the aquifer. The same risks are associated with surface water. Separating solid waste activities from important surface and ground water will reduce the risk of endangering public health and safety and contaminating the environment.

## Currently Permitted Facilities

In 1991, the US EPA adopted the RCRA regulation known as “Subtitle D”. Each State then passed laws and promulgated rules to meet the regulations of “Subtitle D”. The EPA reviewed the rules and delegated authority to each state as they met the requirements. During this transition period, using the old rules the Utah Department of Environmental Quality continued to permit some landfills that were approved by local health departments.

After March 21, 1995 the Utah Department of Environmental Quality only permitted landfills conforming to the Utah Code R315. We recommend the Corridor only include landfills approved or renewed after March 21, 1995. Facilities meeting that definition are listed below:

### Municipal Solid Waste Facilities

Box Elder Co. Solid Waste	445,600,000 (cy)	1,020 (acres)
Promontory Class I Landfill	642,124,250 (cy)	2,000 (acres)

### Industrial Facilities

ATK Thiokol Propulsion – Promontory	603,393 (cy)	73 (acres)
Nucor Steel Utah	225,000 (cy)	35 (acres)
Western Metals Recycling	900,000 (cy)	65 (acres)

## Community Standards

Box Elder County recognized the need to regularly update the land management codes. Upon review, the solid waste corridor needed greater definition of area and restrictions. One of the primary goals of this update was to create a mechanism to expand the Solid Waste Corridor allowing it to meet future solid waste requirements.

Box Elder County recognized that a large portion of the County has opportunities for industrial and population growth and solid waste facilities have both a negative and positive effect on economic development. A greater understanding of the environmental and public health risks posed to the surrounding communities resulted in additional restrictions. These restrictions are as follows:

### Airports

Solid waste facilities pose a particular threat to aircraft due to their ability to attract birds. Bird strikes around solid waste facilities are much more common than other areas. Federal and State law limit solid waste activities in the vicinity of airports.

### Protected Viewsheds

Viewsheds are areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. Viewsheds are spaces that are readily visible from public areas such as from roadways, parks, monuments, or recreation areas.

### Restrictive Geology

Solid waste containment requires specific geologic conditions to provide environmentally secure storage.

### Surface and Ground Water

Surface and ground water protection is a prime consideration for solid waste management.

## Corridor Requirements

- 5 miles from any airport runway.
- One mile from protected viewsheds: (If no natural site obstructions are present, the viewshed protection area will increase to 5 miles.)
  - a. Listed Attractions;

Golden Spike	Etna Reservoir
Devils Playground	Lynn Reservoir
Sun Tunnels	Clear Creek
Spiral Jetty	Lucin Springs
Bear River Bird Refuge	Crystal Hot Springs
Salt Creek Wildlife Management Area	Belmont Hot Springs
Willard Bay State Park	Locomotive Springs
Fruitway (Hwy 89)	Kelton Cemetery
  - b. Cities, Towns, parks, monuments, and recreation areas;
  - c. major roads leading to City, Towns, parks, monuments, recreation areas, and listed attractions;
  - d. designated wilderness or wilderness study area;
  - e. river, stream, lake, or reservoir;
  - f. ecologically and scientifically significant natural areas, including wildlife management areas and habitat for threatened or endangered species as designated pursuant to the Endangered Species Act of 1982;

- g. farmland classified or evaluated as "prime," "unique," or of "statewide importance" by the U.S. Department of Agriculture Soil Conservation Service under the Prime Farmland Protection Act;
  - h. existing permanent dwellings, residential areas, and other incompatible structures such as schools or churches;
  - i. historic structures or properties listed or eligible to be listed in the State or National Register of Historic Places;
  - j. areas with respect to archeological sites that would violate Utah State Code Section 9-8-404.
- One mile of unstable area's identified in the stability analysis report and one mile from restrictive geology including:
  - a. subsidence area;
  - b. dam failure flood area;
  - c. underground mine;
  - d. salt dome;
  - e. salt bed;
  - f. geologic features which could compromise the structural integrity of the facility;
  - g. known faults;
  - h. seismic impact zones;
  - i. soil conditions that may result in significant differential settlement potential.
- One mile from Surface Water
  - a. any land that is being used by a public water system for water shed control;
  - b. any floodplain - 100 year base flood elevation and any community known flood hazard area;
  - c. wetlands.
- One mile from any designated drinking water source protection zones or existing drinking water wells or springs for drinking water supplies.
- One mile from Ground Water meeting the classifications of Class IA, Class IB, and, Class IC water, as defined in Utah Code R317-6-3.
- The Solid Waste Corridor will not be permitted in areas where:
  - a. the depth to ground water is less than 500 feet where the ground water meets the classification of Class II areas, as defined in Utah Code R317-6-3;
  - b. the depth to ground water is less than 100 feet where the ground water meets the classification of Class III areas, as defined in Utah Code R317-6-3.

Definitions for Utah Code R317-6-3 ground water classifications are attached in Appendix 1. A recommendation for amendment to Box Elder County Land Management Code 3-8-030.2 is attached in Appendix 2.

## Solid Waste Capacity

Box Elder County recognizes the need and benefits of solid waste facilities. Box Elder County and surrounding communities are connected both culturally and economically so cooperation is not only necessary but mutually beneficial. Box Elder County will work with its neighbors to address the solid waste needs of the region but will not necessarily provide all the facilities. Listed below are the 100 year waste volume projections of Box Elder County and surrounding communities. The numbers are rough estimates based on a 2% growth rate. All waste was assumed to reach a compaction rate of 1500lbs/cy.

### 100 Year Waste Volume Projections

Box Elder County	12,170,474 cy
Cache County	30,844,302 cy
Davis County*	76,104,047 cy
Weber County	87,856,162 cy

\*Waste from the incinerator was not included for 19 years.

The capacity of the Solid Waste Corridor is estimated at more than 1 billion cubic yards. This will meet the solid waste needs of Box Elder County and surrounding communities for the foreseeable future. Waste diversion activities are necessary and are becoming economically viable. As these activities increase, the need for solid waste disposal volume will diminish.

## Solid Waste Corridor Amendments

By designating the procedure to amend the Solid Waste Corridor, additional area can be added as required by economic or population growth in regions not serviced by the current corridor.

Through a General Plan Amendment application process other areas may be considered for the Solid Waste Corridor. Box Elder County will obtain a third party review from a Registered Professional Civil/Environmental Engineer holding a registration from the State of Utah. An engineering report, including stability analysis report, will be generated and submitted to the Box Elder County Planning Commission as part of the application review. Each area to be added must be reviewed by the Box Elder County Planning Commission for compliance with the Solid Waste Corridor siting requirements. Then the application must be approved by Box Elder County Commission before it will be included in the Solid Waste Corridor.

All costs associated with the application, review, consultants, and updating the Solid Waste Corridor is the sole responsibility of the Applicant. The Applicant must deposit \$10,000 with Box Elder County to begin the application process. If additional funds are required, it is the Applicant's responsibility and must be deposited to Box Elder County within 15 days of notice. Any fund balance will be returned to the Applicant after the approval or disapproval of the Solid Waste Corridor Update.

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## Conclusions

The purpose of the Solid Waste Corridor is to ensure that the environmental, health, and economic risks are considered and mitigated. This 2015 update, defines the solid waste corridor as the area of existing facilities permitted after March 21, 1995, by the Utah Department of Environmental Quality. Based on our evaluation, the existing facilities with lateral expansions have the capacity to meet the solid waste needs of Box Elder County and surrounding communities for the foreseeable future.

The update provides a mechanism to evaluate and add additional areas to the Solid Waste Corridor. The requirements of the Solid Waste Corridor were developed using community standards. By designating a Solid Waste Corridor, Box Elder County will be protected by these standards.

# ***Appendix 1***

## **Groundwater Class Definitions**

## **Utah Code R317-6-3 Ground Water Classes.**

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### **3.1 GENERAL**

The following ground water classes are established: Class IA - Pristine Ground Water; Class IB - Irreplaceable Ground Water; Class IC - Ecologically Important Ground Water; Class II - Drinking Water Quality Ground Water; Class III - Limited Use Ground Water; Class IV - Saline Ground Water.

### **3.2 CLASS IA - PRISTINE GROUND WATER**

Class IA ground water has the following characteristics:

- A. Total dissolved solids of less than 500 mg/l.
- B. No contaminant concentrations that exceed the ground water quality standards listed in Table 1.

### **3.3 CLASS IB - IRREPLACEABLE GROUND WATER**

Class IB ground water is a source of water for a community public drinking water system for which no reliable supply of comparable quality and quantity is available because of economic or institutional constraints.

### **3.4 CLASS IC - ECOLOGICALLY IMPORTANT GROUND WATER**

Class IC ground water is a source of ground water discharge important to the continued existence of wildlife habitat.

### **3.5 CLASS II - DRINKING WATER QUALITY GROUND WATER**

Class II ground water has the following characteristics:

- A. Total dissolved solids greater than 500 mg/l and less than 3000 mg/l.
- B. No contaminant concentrations that exceed ground water quality standards in Table 1.

### **3.6 CLASS III - LIMITED USE GROUND WATER**

Class III ground water has one or both of the following characteristics:

- A. Total dissolved solids greater than 3000 mg/l and less than 10,000 mg/l, or;
- B. One or more contaminants that exceed the ground water quality standards listed in Table 1.

### **3.7 CLASS IV - SALINE GROUND WATER**

Class IV ground water has total dissolved solids greater than 10,000 mg/l.

## ***Appendix 2***

### **Creation and Location and Designation of the Article 3: Solid Waste Zone**

# Box Elder County Land Use Management & Development Code Solid Waste Zone

## Article 3: Solid Waste Zone

### Chapter 3-8. Solid Waste Zone

Box Elder Zoning Ordinance 319 as Adopted September 29, 2009

#### Part

1. General
2. Solid Waste Zone (SW) (Ordinance 350)
3. Use tables (Ordinance 329)

### PART 1

#### 3-8-010. GENERAL

##### Sections

- 3-8-010.1 Purpose.
- 3-8-010.2 Scope
- 3-8-010.3 Declaration of public nuisance.
- 3-8-010.4 Definitions
- 3-8-010.5 Conditional use permits application
- 3-8-010.6 Reporting
- 3-8-010.7 Waste facility inspections
- 3-8-010.8 Host Fees

#### 3-8-010.1 Purpose.

The purpose of this chapter is to provide policies, standards, requirements, and procedures to regulate and control the location and expansion of nonhazardous waste facilities and ensure that all such facilities are consistent with the General Plan and are constructed and operated in a manner that will promote public health, safety, general welfare and the physical, social and economic development of the area. The Solid Waste Zone and Corridor has been developed for the purpose of protecting and providing for the health, safety, comfort and convenience of Box Elder County and its inhabitants.

#### 3-8-010.2 Scope.

The provisions of this chapter shall apply to all areas of unincorporated Box Elder County. Solid waste landfills shall not be allowed in the County until the property has been successfully rezoned to a Solid Zone.

#### 3-8-010.3 Declaration of public nuisance.

- A. All activities relating to storage, treatment and disposal of wastes classified as “municipal solid wastes” under the Solid and Hazardous Waste Act, Utah Code

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Annotated 19-6-102, or otherwise regulated as a “commercial nonhazardous, household, infectious, construction, solid or demolition waste” under federal or state laws and regulations, are hereby declared a public nuisance.

- B. All activities relating to storage, treatment and disposal of wastes classified as “hazardous wastes” under the Utah Solid and Hazardous Waste Act, Utah Code Annotated 19-6-102, or otherwise regulated as a “waste” under the Toxic Substance Control Act (TSCA), the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or other federal or state laws and regulations, are hereby declared a public nuisance.
- C. All activities relating to storage, treatment and disposal of wastes regulated by the Radiation Control Act, Title 19, Chapter 3 of the Utah Code Annotated as low-level waste or mixed wastes, or those wastes defined as such in 10 CFR 61.55, or other federal or state laws and regulations, are hereby declared a public nuisance.

### 3-8-10.4 Definitions.

As used in this chapter:

1. “Commercial solid waste” means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities,
2. Construction debris landfill means a landfill that receives nonhazardous construction and demolition waste and inert waste.
3. “Construction/demolition waste” means solid waste from building materials, packaging, and rubble resulting from construction, remodeling, repair, abatement, rehabilitation, renovation, and demolition operations on pavements, houses, commercial building, and other structures. Such waste may include: concrete, bricks, and other masonry materials; soil and rock; waste asphalt; rebar contained in concrete and untreated wood, and tree stumps. Construction/demolition waste **does not** include: friable asbestos; treated wood; or contaminated soils or tanks resulting from remediation or clean-up at any release or spill.
4. “Contaminate” means to make impure by exposure to or addition of a polluting substance.
5. “Household waste” means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households including single and multiple residences, and bunkhouses.
6. “Inert waste” means noncombustible, municipal solid wastes that retain their physical and chemical structure under expected conditions of disposal, including resistance to biological or chemical attack.
7. "Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities which exceed applicable federal or state standards for unrestricted release. "Low-level radioactive waste" does not include waste containing more than 100 nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor

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material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations.

8. "Municipal solid waste" means household waste, yard waste, nonhazardous commercial solid waste, and non-hazardous sludge.
9. "Municipal solid waste facility" means a facility that receives municipal solid waste for treatment, storage or disposal.
10. "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
11. "Yard waste" means vegetative matter resulting from landscaping, land maintenance, and land clearing operations including grass clippings, pruning and other discarded material generated from yards, gardens, parks, and similar areas. Yard waste **does not** include garbage, paper, plastic, processed wood, sludge, seepage, or manure.

### **3-8-010-5 Conditional use permits application.**

Each conditional use permit application shall be submitted and receive approval by the Planning Commission before any operation is commenced. A copy of the application submitted to the State of Utah shall accompany the conditional use permit application to the county. Submission of an application does not constitute an assurance or presumption that such use will be approved. Each proposed landfill shall be evaluated on an individual basis in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the zoning district in which it is located to determine whether the use is appropriate at the particular location.

### **3-8-010.6 Reporting.**

Each owner or operator of any facility, including a facility performing post-closure care, shall prepare an annual report and submit it to the County Health Department and the County Planning Department by March 2. The annual report shall cover facility activities during the previous year.

### **3-8-010.7 Waste facility inspections.**

The zoning administrator or any duly authorized officer, employee, or representative of the county health department may, at any reasonable time and upon presentation of appropriate credentials, enter any waste facility and inspect the property, records, monitoring systems, activities and practices, or waste being handled for the purpose of ascertaining compliance with this chapter and the approved plan of operation for the facility. The inspector may:

- A. Conduct monitoring or testing, or collect samples for testing, to verify the accuracy of information submitted by the owner or operator or to ensure that the facility is in compliance, and the owner or operator may request split samples and analysis parameters on any samples collected by the inspector;

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- B. Use photographic equipment, video camera, electronic recording device, or any other reasonable means to record information during any inspection; and
- C. Cause notice of the results of any inspection to be sent promptly to the owner or operator of the facility if not left on site.

### **3-8-010.8 Host Fees**

A Host Fee will be collected for all materials deposited in The Solid Waste Zone. The Host Fees will be used for mitigating the environmental and economic impact of solid waste activities. These fees will be used for environmental clean ups, recycling, education, road maintenance, and economic development, or other related activities as determined by the County Commission.

Host Fee:

- |  |                 |
|--|-----------------|
| A. For material deposited in Municipal Solid Waste Facility  | \$ 1.50 per ton |
| B. For material deposited in C&D Waste Facility              | \$ 0.50 per ton |
| C. For material deposited in Industrial Solid Waste Facility | \$ 0.50 per ton |

Implementation Schedule:

On January 1, 2016 the fees will be as follows:

- |  |                 |
|--|-----------------|
| A. For material deposited in Municipal Solid Waste Facility  | \$ 0.30 per ton |
| B. For material deposited in C&D Waste Facility              | \$ 0.10 per ton |
| C. For material deposited in Industrial Solid Waste Facility | \$ 0.10 per ton |

On January 1, 2017 the fees will be as follows:

- |  |                 |
|--|-----------------|
| A. For material deposited in Municipal Solid Waste Facility  | \$ 0.90 per ton |
| B. For material deposited in C&D Waste Facility              | \$ 0.30 per ton |
| C. For material deposited in Industrial Solid Waste Facility | \$ 0.30 per ton |

On January 1, 2018 the fees will be as follows:

- |  |                 |
|--|-----------------|
| A. For material deposited in Municipal Solid Waste Facility  | \$ 1.50 per ton |
| B. For material deposited in C&D Waste Facility              | \$ 0.50 per ton |
| C. For material deposited in Industrial Solid Waste Facility | \$ 0.50 per ton |

# Box Elder County Land Use Management & Development Code Solid Waste Zone

## PART 2

### **3-8-020. SOLID WASTE ZONE (SW)**

#### **Sections**

- 3-8-020.1. Purpose.
- 3-8-020.2. Creation and location.
- 3-8-020.3. Facility location criteria Environmental assessment.
- 3-8-020.4. Permitted and conditional uses.

#### **3-8-020.1. Purpose.**

The purpose of this part is to provide zones where municipal solid waste facilities can be located in such a way as to ensure that all such facilities are consistent with the General Plan and are constructed and operated in a manner that will promote public health, safety, general welfare and the physical, social and economic development of the area

#### **3-8-020.2. Creation and location.**

The Municipal Solid Waste (MSW) zone is a zoning district where industries that treat, store and dispose of municipal solid waste shall be located. MSW zoning districts shall be created under Chapter 3 of the Box Elder County Land Use Management & Development Code and shall only be located in the county designated **Municipal Solid Waste Corridors**.

The Solid Waste Corridor includes existing permitted municipal solid waste facilities that received final approval for an operating permit or received a renewal of an existing permit after March 21, 1995, from the Utah Department of Environmental Quality. The Solid Waste Corridor also includes areas designated, by the County, for lateral expansion of these facilities if they meet the requirements of R315-302, R315-303, R315-308, and R315-310. These areas are included in the Solid Waste Corridor without regard to the Solid Waste Corridor siting restrictions.

Through a General Plan Amendment application process other areas may be considered for the Solid Waste Corridor. Box Elder County will obtain a third party review from a Registered Professional Civil/Environmental Engineer holding a registration from the State of Utah. An engineering report, including stability analysis report, will be generated and submitted to the Box Elder County Plan and Zoning Commission as part of the application review. Each area to be added must be reviewed by the Box Elder County Planning and Zoning Commission for compliance with the Solid Waste Corridor siting requirements. Then the application must be approved by Box Elder County Commission before it will be included in the Solid Waste Corridor.

All costs associated with the application, review, consultants, and updating the Solid Waste Corridor is the sole responsibility of the Applicant. The Applicant must deposit \$10,000 with Box Elder County to begin the application process. If additional funds are required, it is the

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Applicant's responsibility to insure Box Elder County receives the necessary funds within 15 days of notice. Any fund balance will be returned to the Applicant after the approval or disapproval or the Solid Waste Corridor Update.

### **Solid Waste Corridor Siting Restrictions**

No new Solid Waste Corridor may be located within:

- 5 miles from any airport runway.
- One mile from protected viewsheds: (If no natural site obstructions are present, the viewshed protection area increases to 5 miles.)
  - b. Listed Attractions:

Golden Spike	Etna Reservoir
Devils Playground	Lynn Reservoir
Sun Tunnels	Clear Creek
Spiral Jetty	Lucin Springs
Bear River Bird Refuge	Crystal Hot Springs
Salt Creek Wildlife Management Area	Belmont Hot Springs
Willard Bay State Park	Locomotive Springs
Fruitway (Hwy 89)	Kelton Cemetery
  - b. Cities, Towns, parks, monuments, and recreation areas;
  - c. major roads leading to City, Towns, parks, monuments, recreation areas, and listed attractions;
  - d. designated wilderness or wilderness study area;
  - e. river, stream, lake, or reservoir;
  - f. ecologically and scientifically significant natural areas, including wildlife management areas and habitat for threatened or endangered species as designated pursuant to the Endangered Species Act of 1982;
  - g. farmland classified or evaluated as "prime," "unique," or of "statewide importance" by the U.S. Department of Agriculture Soil Conservation Service under the Prime Farmland Protection Act;
  - h. existing permanent dwellings, residential areas, and other incompatible structures such as schools or churches;
  - i. historic structures or properties listed or eligible to be listed in the State or National Register of Historic Places;
  - j. areas with respect to archeological sites.
- One mile of unstable area's identified in the stability analysis report and one mile from restrictive geology including:
  - a. subsidence area;
  - b. dam failure flood area;

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- c. underground mine;
  - d. salt dome;
  - e. salt bed;
  - f. geologic features which could compromise the structural integrity of the facility;
  - g. known faults;
  - h. seismic impact zones;
  - i. soil conditions that may result in significant differential settlement potential.
- One mile from Surface Water including:
    - a. any land that is being used by a public water system for water shed control;
    - b. any floodplain - 100 year base flood elevation and any community known flood hazard area;
    - c. wetlands.
  - One mile from any designated drinking water source protection zones or existing drinking water wells or springs for drinking water supplies.
  - One mile from Ground Water meeting the classifications of Class IA, Class IB, and, Class IC water, as defined in Utah Code R317-6-3.
  - The Solid Waste Corridor will not be permitted in areas where:
    - c. the depth to ground water is less than 500 feet where the ground water meets the classification of Class II areas, as defined in Utah Code R317-6-3.
    - d. the depth to ground water is less than 100 feet where the ground water meets the classification of Class III areas, as defined in Utah Code R317-6-3.

### **3-8-020.3. Facility location criteria environmental assessment.**

- A. All solid waste facilities regulated under this chapter shall be located in a Solid Waste Zone.
- B. An application to amend the zoning map of Box Elder County for a Solid Waste Zoning District shall be accompanied by a full environmental assessment and a copy of the application submitted to the State of Utah, Department of Environmental Quality. The Planning Commission upon review of the environmental assessment may require further study or clarification on any aspect as it pertains to the suitability of the site and its effect upon adjoining land.
- C. The environmental assessment shall include data and determination as to actual on- site conditions with emphasis in the following areas:
  - 1. liquefaction potential;
  - 2. on site soil suitability for limitations on municipal waste landfills;
  - 3. potential for storm water and groundwater contamination;

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4. potential for water contamination in the Great Salt Lake;
  5. 100 year flood and high water level for the Great Salt Lake;
  6. determination on wetlands;
  7. geotechnical study on seismic factors;
  8. closure plan;
  9. wildlife impact;
  10. erosion control.
- D. An Operations Plan must be submitted demonstrate the operators understanding of landfill best management practices with emphasis in the following areas:
1. operation plan, including hours of operation;
  2. fugitive waste control on site and during transport;
  3. emergency operations plan;
  4. alternate disposal plan;
  5. dust control plan;
  6. financial assurance plan.

### **3-8-020.4. Permitted and conditional uses.**

- A. A conditional use permit shall be obtained prior to constructing or operating a solid waste facility within the Solid Waste Zone. No presumption of approval shall be made regarding an application. All applications for conditional use permits made to the Planning Commission shall include all drawings, maps, specifications, statements and records as required by the Box Elder County Land Use Management & Development Code and this chapter. Applications that are incomplete upon submission shall be returned to the applicant. The landowner and operator shall be responsible to insure all conditions are complied with.
- B. Prior to any conditional use permit being issued, the applicant shall show a demonstrated need for the facility within Box Elder County.
- C. All conditional use permits issued within a Solid Waste Zone shall be reviewed by the Planning Commission who shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. As a minimum all conditional use permits shall have 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 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.

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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.
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.
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 municipal 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 operator of the solid waste facility shall submit to the Box Elder County Community Development Department, two copies of its annual operating report no later than April 15 of each year. The annual report will be an executive summary of the major activities of the previous year and a projection of any major facility changes planned for the current year. The major activities to be summarized are as follows:
  - a. the amount of waste received and transferred;
  - b. occurrences where human health or the environment were threatened, on and off the site, such as explosions, major fires, and reportable quantity spills;
  - c. major changes to the facility, or its mission; and
  - d. monitoring activities and any abnormal results.

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8. 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.
9. 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.
10. 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 or the Box Elder County Code.
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.
12. The operator will submit fugitive dust plan and guarantee to be approved by the Planning Commission that will insure containment of fugitive dust.
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.
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.
15. The operator and landowner of the solid waste facility shall comply with the licensing and inspection requirements of Box Elder County 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 review by the county engineer.
19. The operator of the solid waste facility shall complete a mitigation agreement with the Board of County Commissioners.

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

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## PART 3

### **3-8-030. USE TABLES. Sections**

- 3-8-030.1. Codes and symbols.
- 3-8-030.2. Uses.
- 3-8-030.3. Solid Waste Zone uses.

### **3-8-030.1. Codes and Symbols.**

- A. In this Part are tables describing uses of land or buildings that are allowed in the various districts as shown. Permitted uses are indicated by a “P” in the appropriate column. Uses that may be allowed by a conditional use permit issued by a Planning Commission are indicated by a “C” in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a “C1” in the appropriate column.
- B. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".
- C. If a regulation applies in a given district, it is indicated in the appropriate column by an alphanumeric character that will show the linear feet or square feet or acres required or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

### **3-8-030.2. Uses.**

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the Solid Waste Zoning Districts except as provided in this Part.

<b>Table 3-8-030.3. Solid Waste Zone Uses.</b>		
	<b>Use</b>	<b>SW</b>
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Construction equipment and supply trailers, temporary	C1
c	Construction field office, temporary	C1
d	Grazing of animals	P
e	Municipal solid waste landfill	C
f	Waste recycling facilities	C
g	Waste to energy facilities	C
h	Gravel/rock quarry subject to conditions and requirements in the Landfill & Land Excavation Overlay of this Code. (Ordinance 329)	C