

Box Elder County Land Use Management & Development Code

Article 3: Zoning Districts

Chapter 3-8. Solid Waste Zone (SW)

PART 1

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3-8-010 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.

3-8-020 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 Waste Zone, obtain a Conditional Use Permit, and until all requirements of this chapter have been met.

3-8-030 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 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

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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.

3-8-040 Definitions.

As used in this chapter:

Aquifer: A geologic formation, group of geologic formations or part of a geologic formation that contains sufficiently saturated permeable material to yield usable quantities of water to wells and springs.

Best Available Technology: The application of design, equipment, work practice, operation standard or combination thereof at a facility to effect the maximum reduction of a pollutant achievable by available processes and methods taking into account energy, public health, environmental and economic impacts and other costs

Class IA ground water: Has the following characteristics, total dissolved solids of less than 500 mg/l. and no contaminant concentrations that exceed the ground water quality standards listed in Table 1 of Utah Administrative Code R317-6-2. Class 1A ground water shall be treated as such with or without an official designation as such by the Utah Division of Water Quality.

Class IB ground water: Is a source of water for a public drinking water system as defined in the Utah Administrative Code R309-100-4 or a private culinary water system for which no reliable supply of comparable quality and quantity is available because of economic or institutional constraints. Class 1B ground water shall be treated as such with or without an official designation as such by the Utah Division of Water Quality.

Class IC ground water: Is a source of ground water discharge important to the continued existence of wildlife habitat. Class 1C ground water shall be treated as such with or without an official designation as such by the Utah Division of Water Quality.

Class II ground water: Has the following characteristics, total dissolved solids greater than 500 mg/l and less than 3,000 mg/l, and no contaminant concentrations that exceed the ground water quality standards listed in Table 1 of Utah Administrative Code R317-6-2. Class II ground water shall be treated as such with or without an official designation as such by the Utah Division of Water Quality.

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Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities.

Construction debris landfill: A landfill that receives nonhazardous construction and demolition waste and inert waste.

Construction/demolition waste: 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.

Contaminate: To make impure by exposure to or addition of a polluting substance.

Household waste: Any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households including single and multiple residences, and bunkhouses.

Inert waste: Noncombustible, solid wastes that retain their physical and chemical structure under expected conditions of disposal, including resistance to biological or chemical attack.

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

Major Road: Any Interstate or State Highway.

Municipal solid waste: Household waste, yard waste, nonhazardous commercial solid waste, and non-hazardous sludge.

Municipal solid waste facility: Any facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid wastes, including hazardous wastes, whether such facility is associated with facilities generating such wastes or otherwise.

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Private Culinary Water System: A culinary water system that is privately owned by an individual(s) and shall be treated as such with or without an official designation as such by the Utah Division of Water Quality.

Recharge Area: An area in which water is absorbed that eventually reaches the zone of saturation in one or more aquifers.

Sole Source Aquifer: An aquifer that supplies at least 50% of the drinking water consumed in the area overlying the aquifer, and which has no alternative drinking water source(s) which could physically, legally, and economically supply water to all who depend on the aquifer for drinking water. A sole source aquifer meeting this definition shall be treated as such with or without an official designation as such by the U.S. Environmental Protection Agency.

Solid Waste Landfill: A Commercial disposal site where solid waste, such as paper, glass, and metal, is buried between layers of dirt and other materials in such a way as to reduce contamination of the surrounding land.

Wetlands: 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.

Yard waste: 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.

3-8-050 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.

3-8-060 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 Bear River Health Department and the County Planning Department by March 2. The annual report will include a copy of the report submitted

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to the State of Utah and an executive summary of the activities of the previous year and a projection of any facility changes planned for the current year. Some of the activities to be summarized are as follows:

- a. The weights, in tons, or volumes, in cubic yards, of solid waste received and the type and weight of wastes received, diverted or transferred;
- b. Occurrences where human health or the environment were treated, on and off the site, such as explosions, fires, and reportable quantity spills;
- c. Deviations from the approved plan of operation, changes to the facility or its mission;
- d. Training programs or procedures completed;
- e. Monitoring activities and results; and
- f. The results of any inspection.

3-8-070 Waste facility inspections.

The zoning administrator or any duly authorized officer, employee, or representative of Box Elder County or the Bear River 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;
- 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 and a copy of the results of any inspections shall be filed with the Box Elder County Planning Department.

3-8-080 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 inspections, enforcement, environmental cleanup, recycling, education, road maintenance, and economic development, or other related activities as determined by the County Commission.

Host Fee:

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- A. For material deposited in Municipal Solid Waste Facility \$ 2.00 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 \$ 0.20 per ton
- C. For material deposited in Industrial Solid Waste Facility \$ 0.20 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 \$ 0.40 per ton
- C. For material deposited in Industrial Solid Waste Facility \$ 0.40 per ton

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

- A. For material deposited in Municipal Solid Waste Facility \$ 2.00 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

PART 2

SOLID WASTE ZONE (SW).

Sections

- 3-8-090 Purpose.
- 3-8-100 Creation and location.
- 3-8-110 Facility location criteria Environmental assessment.
- 3-8-120 Permitted and conditional uses.
- 3-8-130 Codes and Symbols
- 3-8-140 Uses
- 3-8-150 Solid Waste Zone uses

3-8-090 Purpose.

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The purpose of this part is to provide zones where 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

3-8-100 Creation and location. (Ordinance 350)

The Solid Waste (SW) zone is a zoning district where industries that treat, store and dispose of solid waste shall be located. SW zoning districts shall be created under Chapter 3-8 of the Box Elder County Land Use Management & Development Code and shall only be located in the county designated **Solid Waste corridors**.

The Solid Waste Corridor includes existing permitted 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 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.

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- One mile from protected view sheds: (If no natural site obstructions are present, the view shed protection area increases 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
Fruit way (Hwy 89)	Kelton Cemetery
Mantua Reservoir	
 - 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;
 - c. flood zones;
 - d. underground mine;
 - e. salt dome;
 - f. salt bed;
 - g. geologic features which could compromise the structural integrity of the facility;
 - h. known faults;
 - i. seismic impact zones; and
 - j. soil conditions that may result in significant differential settlement potential.

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- One mile from Surface Water including:
 - a. any land that is being used by a culinary water system for water shed control;
 - b. any floodplain - 100 year base flood elevation and any community known flood hazard area; and
 - c. wetlands.

- One mile or a distance equivalent to a 15-year ground water travel time distance from existing wells or springs used for drinking water, whichever is greater.
- One mile from any designated drinking water source protection zones.
- One mile from Ground Water meeting the classifications of Class IA, Class IB, and Class IC water and Class II water.
- The Solid Waste Corridor will not be permitted:
 - a. Over a sole source aquifer
 - b. In areas where 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 Administrative Code R317-6-3.
 - c. Over a recharge area.

3-8-110 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 solid waste landfills;
 - 3. potential for storm water and groundwater contamination;
 - 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 including seismic factors;
 - 8. compliance with Solid Waste Zone siting criteria;
 - 9. closure plan;
 - 10. wildlife impact;

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11. erosion control;

- D. An Operations Plan must be submitted demonstrate the operators understanding of landfill best management practices and best available technology 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;
 - 7. ground water protection; and
 - 8. hazardous waste exclusion.

3-8-120 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 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.

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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 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.

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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.
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.
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 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.
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.

3-8-130 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, "-".

3-8-140 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 District except as provided in this Part.

Table 3-8-150 Solid Waste Zone Uses.		
	USE	SW
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Construction equipment and supply trailer, temporary	C1
c	Construction field office, temporary	C1
d	Grazing of animals	P
e	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