

L. Waste Material Management

Compliance with the terms and conditions of Grand County's latest Waste Materials and Management ordinance which is incorporated herein by reference.

1. General Requirements

All waste materials management facilities and uses shall comply with the following requirements:

a. Site plan

A site plan shall be provided in accordance with the requirements of Sec. 9.2, Site Plan Review.

b. Transportation Plan

Transportation routes selected shall utilize roads and/or highways within Grand County with sufficient capacity, as determined by Grand County as a part of the review process, and shall not result in a significant reduction or degradation in the service level of such roads or highways. Where the service level of affected roads and highways is unknown, the applicant shall be responsible for the cost of traffic engineer studies performed by a Utah-licensed engineer to establish such service levels. "Significant" means a change of 10 percent or more of the traffic on such road and/or highway. Route selection to and from such sites and facilities shall consider the following factors:

- (1) Methods by which waste materials will be transported to and from such sites;
- (2) Road types, and design and service capacity (including future maintenance needs and costs) of such roads and/or highways;
- (3) Extent to which weather renders such roads and/or highways hazardous;
- (4) Accident rates, to determine if proposed transportation routes are more or less hazardous than the average for similar type roads and/or highways. It is the applicant's duty to mitigate any increased possible risk to such roads and/or highways, the traveling public, and any increased future maintenance and repairs costs to Grand County or the State of Utah;
- (5) Number and proximity of residential, school and hospital structures, and pedestrian ways, along proposed routes;
- (6) Safety, noise and traffic disruption;
- (7) Number and frequency of intersections per linear mile, or other measure as determined by Grand County during the application process, between the entrance of a facility and the nearest federal, state or county highway or road;
- (8) Where roads are inadequate, as determined by Grand County, to support or absorb the additional proposed traffic, road and/or highway improvements shall be provided at the applicant's expense, consistent with County standards, if available, and/or satisfactory to the County Engineer based on national or State standards; the County Engineer may rely on standards adopted by the Utah Department of Transportation.

c. Need

Need for the facility or use shall be demonstrated by evidence that the proposed activity has a proven market or serves a public need, as determined by the County Council, including information on the source, quantity and price of potential waste materials, if applicable, and a review of other existing and proposed facilities that could compete for the waste materials and activity.

d. Reclamation Plan

A detailed reclamation plan detailing the plans for reclaiming disturbed sites at the end of its use that will result in restoration of such sites to a condition that is as natural as practicable, or to their original or other substantially beneficial condition consistent with local plans, as determined by the County Council in its reasonable discretion

e. Financial Capability

Each applicant shall be financially capable of constructing, operating and properly closing each site, use and/or affected land, including proper post closing and/or demobilization, and reclamation to the satisfaction of the County. Each applicant that is not a government shall post sufficient security, as deemed reasonably necessary by the County Council, to guarantee that the final reclamation shall be accomplished within one year of the cessation of the permitted activity/facility and/or use. A surety bond approved by the County Attorney may be acceptable.

f. Technical review

In the event that County staff does not have the technical expertise or the practical ability to devote the necessary time and effort, as determined by the County Council the County may engage such additional expertise and/or consultants to assist the County and/or to provide technical review in reviewing an application under this 3.2.4L, including assessing the accuracy of technical reports and studies. The applicant shall reimburse the County for the cost of such assistance prior to approval of applicable County permits and before commencement of the activity. The County may require that the applicant provide cash or equivalent security to guarantee that the costs of such consultants and expertise is borne by the applicant, especially where the permit is not granted, or is granted with conditions to which the applicant objects.

g. Referral Agency

Applications for such uses shall be referred to such agencies and persons as the County Council deems appropriate, including the Board of the Grand County Solid Waste Management Special Service District, No. 1 (Solid Waste District), for review and comment.

2. Waste Recycling Facilities

In addition to complying with the general requirements of 3.2.4L.1, waste recycling uses and/or facilities accepting waste from off the permitted site, including any part of the waste stream entering a recycling facility and subsequently returned to a waste stream or otherwise disposed of, shall comply with the following standards:

- a.** If a waste container or portion of a facility permitted hereunder, as defined in this LUC, holding waste at a recycling facility is reasonably likely to leak or spill, based on applicable industry standards and/or applicable federal or state law, or begins to leak or spill, the owner/operator must immediately transfer the waste from that container or facility to a container or facility that is in good condition or the permittee shall manage the waste as a waste spill.
- b.** Any recycling facility storing materials outdoors for the purpose of recycling shall: be considered to be disposing of waste; secure a waste facility permit from the State of Utah; and, be subject to all requirements of 3.2.4L.5, below.

c. Exception

The provisions of this subsection do not apply to household waste or to individual recycling containers used for collecting such materials.

3. Waste Transport and Transporters

In addition to complying with the general requirements of 3.2.4L.1, waste transport and transporters shall comply with the following standards:

a. Hazardous Waste

Transporters of waste as defined herein shall comply with 40 CFR Part 262 and applicable requirements of the state of Utah.

b. Special Requirements for Waste Spills and Discharges

In the event of a discharge, release or spill of waste during transportation, the waste transporter shall: take appropriate immediate action to protect human health and the environment, including but not limited to, notifying the Grand Council Administrator and Solid Waste District; contain the discharge, release or spill; devise and implement a cleanup plan; and provide such clean up plan to the Administration and the Solid Waste District.

c. Exception

The requirements of this 3.2.4L shall not apply to lawfully permitted waste transporters who are only passing through Grand County on railroads and/or on state, federal or County roads and/or highways and who are not engaged in any waste activity in Grand County other than such passage; such "through traffic only" is exempt from the provisions of this subsection L.

d. Responsibility for Waste

Each applicant, upon acceptance of a permit under this 3.2.4L, agrees to indemnify and hold harmless Grand County (and Grand County's elected officials, officers, employees, agents and consultants; collectively "Grand County") regarding any claims, whether frivolous or not, stated in any court or administrative proceeding relating to any spill, release, improper handling, improper disposal of any hazardous or other regulated substance or waste, to the extent not prohibited by law. Further, each applicant agrees to release Grand County from any liability associated with or claimed to be related to the adoption or enforcement of this 3.2.4L, including but not limited to any failure of Grand County to enforce any regulation hereunder. Each applicant, by acceptance of any permit hereunder irrevocably acknowledges that it is responsible and liable, and Grand County is not, for all damages and injury to person and/or property related to its waste, its activities and for its failure to abide by any and all state, local and/or federal laws and regulations; and each applicant by acceptance of any permit from Grand County, whether or not such applicant agrees that such permit is proper or lawful, releases Grand County regarding any liability or responsibility relating to the applicant's activities and/or waste.

4. Waste Transfer Stations

In addition to complying with the general requirements of 3.2.4L.1, Waste Transfer Stations shall comply with the following standards:

a. Federal and State Laws and Regulations

Such uses shall demonstrate compliance with all applicable Federal and State waste and waste management laws and regulations, including but not limited to: UAC 315-313 "Transfer Stations and Drop Box Facilities" of the Solid Waste Permitting and Management Rules.

5. Waste Storage, Treatment and Disposal

Waste treatment, storage and/or disposal facilities or uses (TSD), including all contiguous land in the same ownership and including structures, appurtenances and improvements on the land used for treating, storing and/or disposing of waste, shall comply with the following requirements. The "same ownership" means the contiguous land and/or facilities are owned or controlled by persons and/or entities with 50 percent or more ownership and/or control of the land in question.

a. Federal and State Laws and Regulations

Such uses shall demonstrate compliance with all applicable Federal and State waste and waste management laws and regulations, including but not limited to:

- (1) National Environmental Policy Act (NEPA) review, or the Federal Land Management

Policy Act (FLMPA);

- (2) Utah Department of Health Resource Conservation and Recovery Act (RCRA) and the analogous federal RCRA, review;
- (3) Utah Administrative Code (UAC) R315-301 through 320 Solid Waste Permitting and Management Rules;
- (4) Federal toxic Substance Control Act (TSCA);
- (5) Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the SARA amendments thereto;
- (6) Low Level Radioactive Waste Policy Act (P.L. 96-573);
- (7) Federal legislation and regulations applicable to mill tailings;
- (8) Wastes classified as "hazardous wastes" under either Section 26-14-2(6) of the Utah Solid and Hazardous Waste Act or federal laws and regulations; and
- (9) The federal Clean Water Act.
- (10) The laws and regulations referred to in the definition of "waste."

b. Location

Sites selection for such facilities and uses shall consider the following guidelines:

- (1) Regulatory wetlands, aquifer recharge zones and 100-year floodplains shall be avoided to the extent practicable, as determined by the County Council.
- (2) Impacts on the protected waters of the State and/or the United States, pursuant to the Clean Water Act or otherwise, and specifically:
 - a) Distance from waters of the State and the United States so that an unintentional release or discharge of waste will not contaminate such waters;
 - b) Hydrological characteristics of the site and surrounding land, i.e., soil type, groundwater table (aquifers), geology, topography, etc.;
 - c) Quantity, quality, and direction of flow of groundwater;
 - d) Proximity to and withdrawal rates from nearby wells as determined through consultation with public water suppliers and State Engineer's office;
 - e) Availability of alternative water supplies; and
 - f) Type and permeability of soils and depth to bedrock.
- (3) Exceptions to the provisions of the preceding Location, may be granted by Grand County on a case-by-case basis, based on the evidence presented by the applicant; if the evidence is technical or voluminous, or if the County staff does not have the time or resources to fully evaluate the request, the applicant shall pay for the County's costs incurred in obtaining such third-party expertise as the County reasonably deems necessary. Such exceptions may be approved based on a consideration of the following:
 - a) Protection of public health and the environment;
 - b) Type of waste activity, i.e., transportation, treatment, storage or disposal;
 - c) Types and volumes of wastes to be managed, and the risks to persons and/or property, as determined by the County; and
 - d) Other information that may be submitted to or required by the County.

c. Location

- (1) Such facilities and uses shall be located to avoid watershed management areas and agricultural lands that are available for crop production.
- (2) The location of such facilities and uses shall comply with state and federal wildlife regulations.
- (3) Historical significance of the location and aesthetics, including visual and noise level aspects, shall be considered. Areas which the County determines to have County, state, regional or national significance due to their recreational, historical,

educational, or aesthetic value or importance as a natural resource or value to the economy shall be avoided.

- (4) Such facilities and uses shall not be established, constructed or operated on an active geologic fault line or within a recognized zone of deformation along such fault.
- (5) The economic and environmental impact of the proposed facilities and uses upon local governments and the public shall be considered.
- (6) Compatibility with existing and proposed land uses that are or will be adjacent to, in the general area, as determined by the County, of the site or that reasonably could be affected by such facilities and/or uses. Waste facilities and uses shall not be located closer than one (1) mile from any dwelling or residential subdivision/development.

d. Exceptions

- (1) Publicly owned treatment works (POTWs) are exempt from the requirements of this subsection.
- (2) The Moab Landfill owned by the City of Moab and Grand County, and the Klondike Landfill, owned by the Solid Waste District, are exempt from these regulations.