

**DAVID N. ZOOK**

COUNTY EXECUTIVE

199 NORTH MAIN STREET  
LOGAN, UT 84321  
435-755-1850  
[WWW.CACHECOUNTY.ORG](http://WWW.CACHECOUNTY.ORG)

**COUNTY COUNCIL**

GINA H. WORTHEN, *CHAIR*  
BARBARA Y. TIDWELL, *VICE CHAIR*  
PAUL R. BORUP  
DAVID L. ERICKSON  
NOLAN P. GUNNELL  
KARL B. WARD  
GORDON A. ZILLES

**PUBLIC NOTICE** is hereby given that the County Council of Cache County, Utah will hold a **COUNCIL MEETING** at **5:00 p.m.** in the **Cache County Historic Courthouse Council Chambers**, 199 North Main Street, Logan, Utah 84321, **TUESDAY, APRIL 13, 2021**. Council meetings are live streamed on the Cache County YouTube channel at: <https://www.youtube.com/channel/UCa4xvEI8bnIEz3B9zw2teaA>  
**Current COVID-19 safety protocols will be followed.**

## AGENDA

### COUNCIL MEETING

- 5:00 p.m.**
1. **CALL TO ORDER**
  2. **OPENING** – Councilwoman Barbara Tidwell
  3. **REVIEW AND APPROVAL OF AGENDA**
  4. **REVIEW AND APPROVAL OF MINUTES** (March 9 and March 23, 2021)
  5. **MINUTES FOLLOW-UP**
  6. **REPORT OF COUNTY EXECUTIVE**
    - a. **Appointments:** 2021 RAPZ/Restaurant Tax Committee • Cache County Planning Commission • Cache County Deputy Sheriffs
    - b. **Financial Reports:** March 2021 Expense Report (Warrant Register)
    - c. **Other Items:**
  7. **ITEMS OF SPECIAL INTEREST**
  8. **DEPARTMENT OR COMMITTEE REPORTS**
    - a. Cache Valley Visitors Bureau – Director Julie Hollist-Terrill
    - b. General Plan Status Update – Development Services
    - c. Impound Facility Update – Sheriff Chad Jensen
  9. **BOARD OF EQUALIZATION MATTERS**
  10. **PUBLIC HEARINGS**
    - a. **Set Public Hearing for April 27, 2021 – Resolution 2021-07**  
A Resolution Authorizing Conveyance of Real Property in North Logan
    - b. **Set Public Hearing for April 27, 2021 – Ordinance 2021-11 – Riggs Rezone**  
Request to rezone 12.55 acres from the Agricultural (A10) Zone to the Rural 5 (RU5) Zone located at approximately 11300 North 8800 West near Clarkston
    - c. **Set Public Hearing for April 27, 2021 – Ordinance 2021-12 – Bryan Hansen Rezone**  
Request to rezone 2.17 acres from the Agricultural (A10) Zone to the Commercial (C) Zone located at 1015 East 12600 North, Cove
    - d. **Set Public Hearing for April 27, 2021 – Ordinance 2021-13 – Creekside Estates Rezone**  
Request to rezone 31.67 acres from the Agricultural (A10) Zone to the Rural 2 (RU2) Zone located at 5625 North 800 West, near Smithfield
    - e. **Set Public Hearing for April 27, 2021 – Ordinance 2021-14 – Small-Scale Slaughter Facility**  
An amendment to the Cache County Land Use Code Title 17.07 and 17.09 regarding a New Use Related Definition to be identified as 6150 Small-Scale Slaughter Facility

5:45 p.m. f. **Public Hearing – Resolution 2021-05**

Ratifying Appointments to the Cache County Drainage District #6 Board of Trustees

6:00 p.m. g. **Public Hearing – Ordinance 2021-10 – Cache Valley Compost Facility Rezone**

Request to add the Public Infrastructure (PI) Overlay Zone to a 47-acre in the Agricultural (A10) Zone located at approximately 1400 North 3200 West, near Logan

11. **PENDING ACTION**

- a. **Ordinance 2021-05** An Ordinance Amending Chapters 5.08 and 5.12 of the County Code relating to Alcoholic Beverages

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**

- a. **Resolution 2021-05** Ratifying Appointments to the Cache County Drainage District #6 Board of Trustees
- b. **Resolution 2021-06** A Resolution Amending Cache County *Resolution 2020-11* which created the Cache County Economic Development Advisory Board
- c. **Ordinance 2021-10 Cache Valley Compost Rezone**  
Amending the County Zoning Map by applying the Public Infrastructure (PI) Overlay Zone to a 47-acre parcel in the Agricultural (A10) Zone

13. **OTHER BUSINESS**

- a. UAC Management Conference: May 12-13, 2021  
Davis Conference Center in Layton  
**Gina, Barbara, Karl**
- b. Richmond Black & White Days Parade Saturday, May 15, 2021 at 5:00 p.m.
- c. Smithfield Health Days Parade Saturday, June 5, 2021 at 10:00 a.m.

14. **COUNCIL MEMBER REPORTS**

15. **ADJOURN**

  
Gina H. Worthen, Chair

**Ord 2021-10**  
**Cache Valley Compost Facility Rezone**  
**Amending the Cache County Zoning Map by adding the Public**  
**Infrastructure (PI) Overlay Zone to a 47-acre parcel**  
**in the Agricultural (A10) Zone.**

**County Council action**

Public hearing to be held on April 13, 2021.

If approved, the rezone will take effect 15 days from the date of approval.

**Planning Commission action**

Denial (4-yea; 1-nay).

Public hearing held on February 4, 2021, continued to March 4, 2021.

Conclusion: Based on the findings of fact noted [in the staff report], the Cache Valley Compost Facility Rezone is hereby recommended for denial to the County Council as follows:

1. Applicant did not provide adequate information regarding alternatives to the proposed composting facility;
2. Applicant did not provide information on alternative locations;
3. Significant public clamor against the proposed rezone and composting facility;
4. The subject property is situated at the gateway to the Benson community and the proposed facility is not compatible in this location;
5. There is a significant chance of failure leading to air and water pollution; and
6. The applicant failed to provide satisfactory assurances about their ability to control odor .

**Staff Report review by Development Services Director**

Chris Harrild

**Staff Report by County Planner**

Angie Zetterquist

**General Description**

This ordinance amends the County Zoning Map by applying the Public Infrastructure (PI) Overlay Zone to 47-acre parcel in the Agricultural (A10) Zone.

**Additional review materials included as part of Exhibit A**

Staff Report with Planning Commission recommendation

Public Comments 1-56

Applicant presentation on 4 February 2021

Applicant presentation on 4 March 2021

Applicant letter regarding public comments

## Staff Report: Cache Valley Compost Facility Rezone

4 March 2021

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Paul Willardson

**Parcel ID#:** 12-028-0008

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### Location

*Reviewed by Angie Zetterquist*

**Project Address:**

~1400 North 3200 West  
Logan

**Acres:** 47.12

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Public Infrastructure  
Overlay (PI)

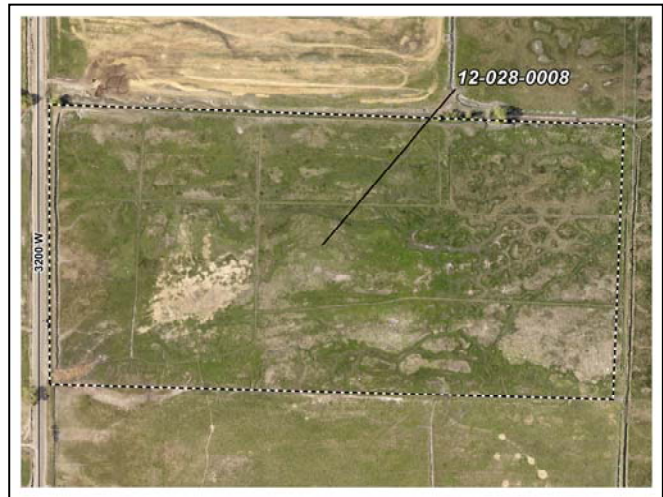
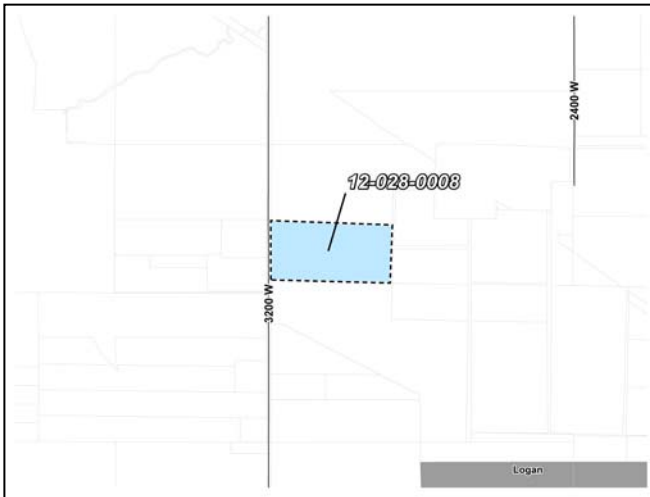
**Surrounding Uses:**

North – Agricultural

South – Agricultural

East – Agricultural

West – Agricultural



### FINDINGS OF FACT (17)

#### A. Request description

1. A request to add the Public Infrastructure (PI) overlay zone to a 47.12 acre property located in the Agricultural (A10) Zone.
2. This rezone may allow the property, owned by the City of Logan, to construct a public infrastructure project with approval of a Conditional Use Permit.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:



**a. Land Use Context:**

- i.** Parcel status: The subject property is legal as it is in the same size and configuration as August 8, 2006. Research from the County's GIS Department indicates that, according to the legal description and plat, it is lot and block based and there are road right-of-way gaps that likely should appear on the property, but currently do not. The applicant provided a survey prior to the 4 March 2021 Planning Commission meeting that identified the location of the rights-of-way and indicated that the composting facility would not be located or have any operations in the those identified areas.
- ii.** Schedule of Zoning Uses: Under the current County Land Use Code, the Public Infrastructure (PI) Overlay Zone identifies additional uses, including the following, that are allowed as a conditional use or zoning clearance in the PI Overlay Zone, but are not permitted in the current A10 Zone:
  - 5600 Utility Facility, Transmission
  - 5610 Utility Facility, Distribution
  - 5700 Telecommunication Facility, Major
  - 5710 Telecommunication Facility, Minor (ZC)
  - 5800 Public Airport
  - 5900 Solid Waste Facilities
- iii.** Adjacent uses: The properties directly adjacent to the subject properties are currently used for agricultural purposes. Within a ½ mile of the subject property there are 32 parcels and no residential development. (Attachment A)
- iv.** Zone Placement: The County Land Use Ordinance §17.080.050 states that overlay zoning districts may be created to reflect unique boundaries that may or may not utilize existing property lines. Overlay zoning districts may be approved by the land use authority in sizes and /or configurations particular to the needs of the proposed use.
- v.** Sensitive Areas: The subject property contains sensitive areas that may require additional analysis and review under §17.18.040 including potential wetland areas. Consideration of impacts related to a proposed use on these sensitive areas will be addressed as part of each respective approval process required prior to site development activities.
- vi.** Annexation Areas: The subject property is located within the Logan City future annexation area.

**B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [C]**

- 4.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5.** The County Land Use Ordinance §17.08.050 [B] identifies the purpose of the PI Overlay Zone and includes the following:
  - a.** “Provide for the siting and operation of public infrastructure in an environmentally sound and economically competitive manner.
  - b.** Inform current and potential residents of the county of the possible location of future public infrastructure locations.
  - c.** Ensure that any public infrastructure be designed, constructed, and operated in a safe and efficient manner, and in compliance with all federal, state, and local laws and regulations for the protection of the general health, welfare, and safety of the citizens of the county.”
    - a.** Consideration of impacts related to uses allowed within the PI Zone will be addressed as part of each respective approval process required prior to site development activities.

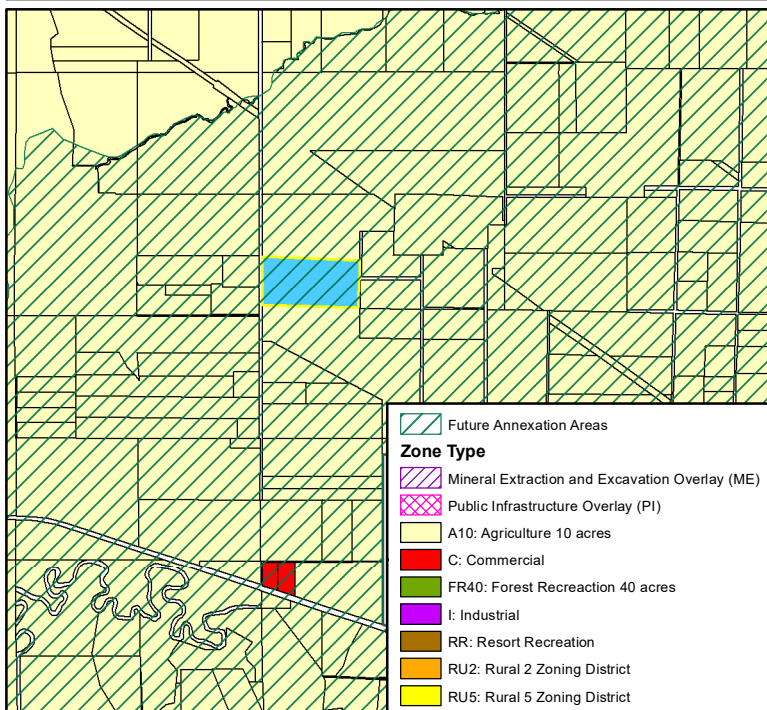
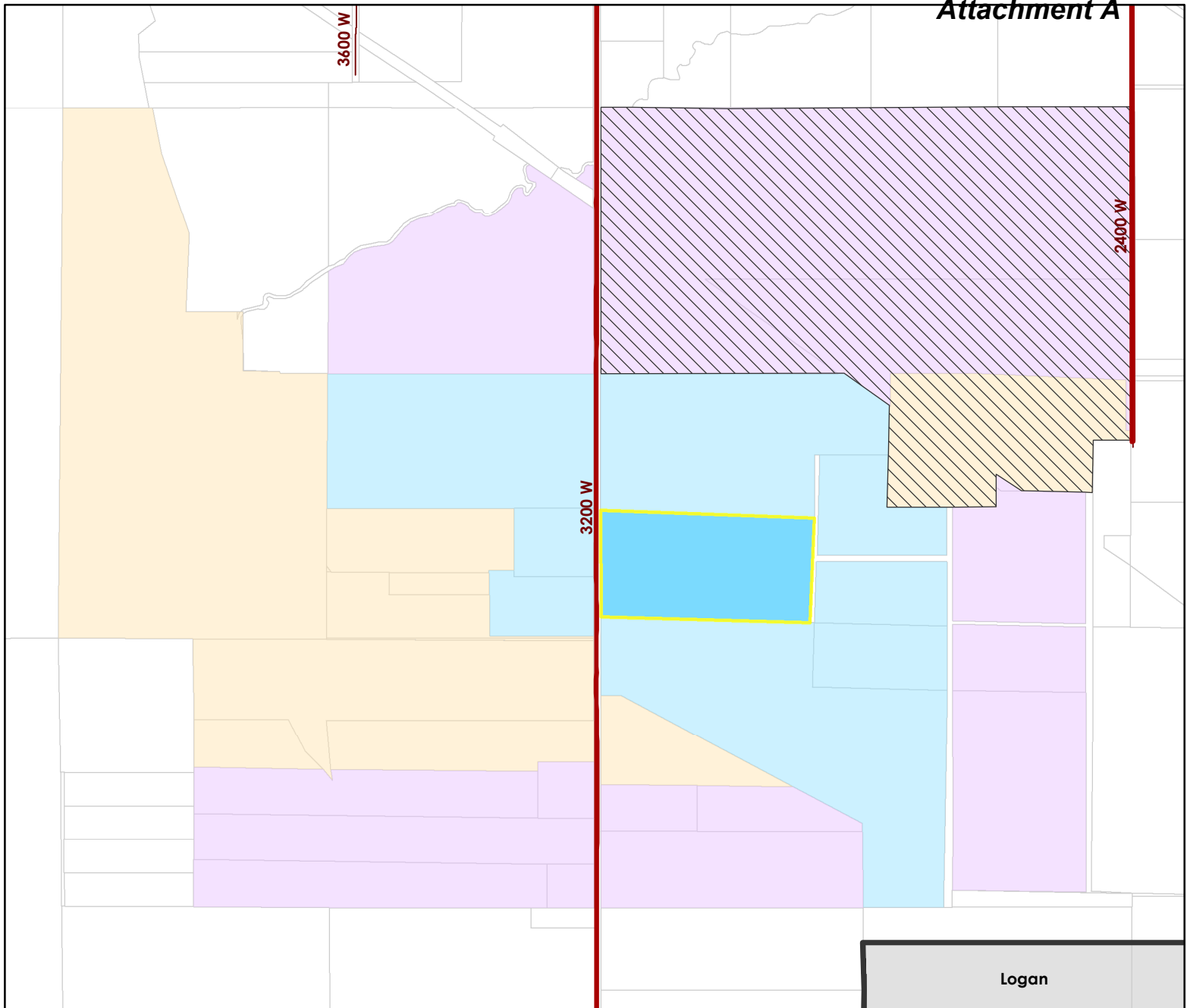


## **Planning Commission Recommendation**

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Based on the findings of fact noted, the Cache Valley Compost Facility Rezone is hereby recommended for denial to the County Council as follows:

1. Applicant did not provide adequate information regarding alternatives to the proposed composting facility;
2. Applicant did not provide information on alternative locations;
3. Significant public clamor against the proposed rezone and future composting facility;
4. The subject property is situated at the gateway to the Benson community and the proposed use is not compatible with this location;
5. There is a chance of failure leading to air and water pollution; and
6. The applicant failed to provide satisfactory assurances regarding their ability to control odor.



## Legend

- Proposed Rezone
- Municipal Boundaries
- Subdivisions
- Parcels
- Winter Maintenance
- County Roads
- Highways

## Average Parcel Size

Adjacent Parcels	Without a Home: 46.13 Acres (9 Parcels)
1/4 Mile Buffer	Without a Home: 53 Acres (17 Parcels)
1/2 Mile Buffer	Without a Home: 51 (32 Parcels)



February 1, 2021

Cache County Planning Commission  
179 North Main, Suite 305  
Logan, Utah 84321

Re: Logan City- Cache Valley Human Waste Composting Facility Rezone

Dear Planning Commission:

We object to the request of Logan City to add a Public Infrastructure (PI) Overlay Zone for composting human waste on 47 acres in the Agricultural (A10) Zone. We are property owners in the immediate area of Benson, Utah. The closest house to the human waste composting facility is seven tenths of a mile from it. There are approximately 30 houses within a 2 mile radius of the proposed human waste composting facility. We object for the following reasons:

1. As property owners, we are concerned about the devaluation of our properties as human waste is brought in for composting. The surrounding properties will devalue because of the smell, attraction of flies and other insects and vermin.
2. The area north of the proposed human waste facility is a developing area. There is a new house being built now on 2600 North and in the last 7 years, 7 new homes have been built within 2 miles from the proposed human waste site.
3. The proposed human waste compost facility will be on land that is extremely wet for most of the year. In fact, the west end should be classified as "wetlands."
4. The proposed human waste compost facility is located on Blue Springs Creek (South Branch of the Swift Slough) which is a protected water way. There is a substantial danger of leakage into Blue Springs Creek because the 47 acres slopes to the west and north. As property owners, we would be substantially affected by leakage into Blue Springs Creek and Cutler Reservoir which would spread the issues and problems associated with human waste and human waste composting. Leakage from the property would also affect the public who use Cutler Reservoir for many forms of recreation.
5. Finally, this area is zoned A10. Housing is allowed in A10 zones and we built houses or bought houses because of the rural agricultural atmosphere and should not be ruined by allowing a human waste composting facility in Benson area. It is zoned for agriculture and should remain such. Our agricultural lands and heritage must be protected. We strongly object to the zoning change allowing the proposed human waste composting site.
6. Signatures of property owners are on the accompanying pages. Thank you for your consideration in this critical matter.



x Marietta A. Veeder  
Marietta A. Veeder

x Martin Barrera  
Martin Barrera

x Marixie Creek  
Marixie Creek

x Terri Watterson  
Terri Watterson

x Vicky Colleen Riggs  
Vicky Colleen Riggs

x Matthew Fuller  
Matthew Fuller

x Barbara DeHart  
Barbara DeHart

x Kusty Chambers  
Kusty Chambers

x Dennis Cook  
DENNIS Cook

x Richard Creek  
Richard Creek

x Jeff Watterson  
JEFF WATTERSON


x Richard A. Riggs  
RICHARD A. RIGGS

x Katie Fuller  
Katie Fuller


x Michael A. Ricker  
Michael A. Ricker

x Sandra Rocks  
Sandra Rocks

x

x Chauna King  


x Shannon Dean  
Shannon Dean

x Jarod Spencer  


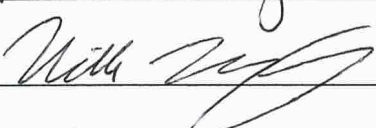
x Chad B. Falslev  
CHAD B. FALSTEV

x \_\_\_\_\_  
\_\_\_\_\_

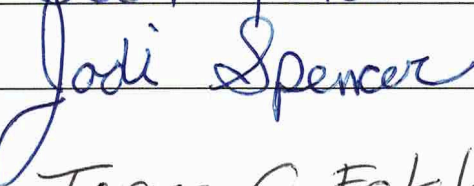
x \_\_\_\_\_  
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x \_\_\_\_\_  
\_\_\_\_\_

x \_\_\_\_\_  
\_\_\_\_\_

x Nickle King  


x Russell Dean  
Russell Dean

x Jodi Spencer  


x Teresa G. Falslev  
Teresa M. Falslev

x \_\_\_\_\_  
\_\_\_\_\_

x \_\_\_\_\_  
\_\_\_\_\_

x \_\_\_\_\_  
\_\_\_\_\_

x \_\_\_\_\_  
\_\_\_\_\_



x J. Jeff Zyl  
J. Jeffery Kunzler

x Mallory  
Bonamy

x Nathan Ricks  
Nathan W Ricks

x Elaine Ricks  
Elaine Ricks

x Richard Bean  
RICHARD BEAN

x Carillisa Bean  
CARILLISA BEAN

x Andrew Shaw  
Andrew Shaw

x Ryan Merrill  
Ryan Merrill

x Michelle Merrill  
Michelle Merrill

x Sharon Kunzler  
Sharon Kunzler

x Vicki Simmonds  
Vicki Simmonds

x LaVern Drollette  
LaVern Drollette

x Bob Drollette  
Bob Drollette

x \_\_\_\_\_

x \_\_\_\_\_

x \_\_\_\_\_

x Nari Higley  
Nari Higley

x \_\_\_\_\_  
\_\_\_\_\_

x Paul Higley  
Paul Higley

x \_\_\_\_\_  
\_\_\_\_\_

x Brandie Mercado  
Brandie Mercado

x \_\_\_\_\_  
\_\_\_\_\_

x Jared Kunzler  
Jared Kunzler

x \_\_\_\_\_  
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x Jared Wiser  
Jared Wiser

x \_\_\_\_\_  
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x Stephanie Hyer  
Stephanie Hyer

x Wade Hyer  
Wade Hyer

x Brian Reese  
Brian Reese

x Shanna Reese  
Shanna Reese

x Randy Udy  
Randy Udy

x Aubree Udy  
Aubree Udy

x Jotham D Hatch  
Jotham D Hatch

x Jamie Hates  
Jamie Hates

x Tracy Spackman  
Tracy Spackman

x Tyler Halverson  
Tyler Halverson

x Susan T. Olsen  
Susan T. Olsen

x Ruthie S. Thain  
Ruthie S. Thain

x Terry J Maughan  
Terry J Maughan

x Annette C Maughan  
Annette C Maughan

x James R Chambers  
James Ronald Chambers

x Everlyn Chambers  
Everlyn Chambers

X Cole R Naegle

COLE R NAEGLE

X Summer Naegle

SUMMER NAEGLE

X Kelly Spackman

Kelly Spackman

X Heidi Spackman

Heidi Spackman

X Lacey Kelsey

Lacey Kelsey

X KLAYTON KELSEY

X \_\_\_\_\_

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Public Comment #1  
Photo Attachment



This is the Logan City property looking north to Blue Springs Creek from the south boundary of the Logan City property.

Public Comment #1  
Photo Attachment



This is looking south on the south west corner of Logan's property showing the flow of water from the Cardon property and showing wetlands.



Public Comment #1  
Photo Attachment



This is a view looking northeast on Logan City's property.



Public Comment #1  
Photo Attachment



This is looking east from the south border of the Logan City which shows some of the wetlands on Logan's parcel.

Public Comment #1  
Photo Attachment



This is from the south corner of Logan's property looking south across the Cardon property showing the amount of water that flows onto Logan's parcel and how the water flows and drains to the west and north onto the Logan parcel.

Public Comment #1  
Photo Attachment



This photo is taken from the south corner of the Cardon field looking north across Cardon field and Logan's parcel showing the flooding of the Logan parcel.



February 1, 2021

Cache County Planning Commission  
179 North Main, Suite 305  
Logan, Utah 84321

Re: Logan City- Cache Valley Human Waste Composting Facility Rezone

Dear Planning Commission:

We object to the request of Logan City to add a Public Infrastructure (PI) Overlay Zone for composting human waste on 47 acres in the Agricultural (A10) Zone. We are property owners in the immediate area and the Board of Directors of the Logan Cow Pasture Irrigation Company.

We object for the following reasons:

1. The proposed human waste compost facility will be on land that is extremely wet for most of the year. In fact, the west end should be classified as "wetlands."
2. The proposed human waste compost facility will affect the irrigation flow and spring runoff of neighboring parcels of approximately 200 acres because the water drains and flows to the west and north eventually ending up on the west half of the 47 acre parcel. Pictures showing the water flow from the neighboring parcels on January 23, 2021 have been emailed to the Development Services Department.
3. The proposed human waste compost facility is located on Blue Springs Creek (South Branch of the Swift Slough) which is a protected water way. There is a substantial danger of leakage into Blue Springs Creek because the 47 acres slopes to the west and north. There are property owners and Blue Springs irrigators (including Rocky Mountain Power and the Cutler Reservoir) west of the proposed human waste composting facility which would be substantially affected by leakage into Blue Springs Creek.
4. As property owners, we are concerned about the devaluation of our properties as human waste is brought in for composting. The surrounding properties will devalue because of the smell, attraction of flies and other insects and vermin.
5. Finally, this area is zoned A10. It is zoned for agriculture and should remain such. Our agricultural lands and heritage must be protected. We strongly object to the zoning change allowing the proposed human waste composting site.
6. Signatures of property owners and the Board of Directors of the Logan Cow Pasture Irrigation Company are on the accompanying pages. Thank you for your consideration in this critical matter.

x J R Cohn  
Jess R Anderson

x J. Jeff Kuhl : President  
J. Jeffery Kunzler

x Heath Worley  
Heath Worley

x Hal Cornia  
Hal Cornia with permission

x ~~Am~~  
RICHARD WORLEY

x LuAnn Willmore  
LuAnn Willmore

x Alfredo Vea 2  
Alfredo Vear

x Harry I. Willmore  
HARRY I. WILLMORE

x Mardean Willmore  
Mardean Willmore

x ~~Sharlene F. Cardon~~  
SHARLENE F. CARDON.

x Paul F Cardon  
Paul F. Cardon

x Thos L. Willmore  
Thomas L. Willmore

x \_\_\_\_\_

x \_\_\_\_\_

x \_\_\_\_\_

x \_\_\_\_\_



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Logan City - Cache Valley Human Waste composting Facility Rezone**

1 message

**Clara Donna** <cobra84321@yahoo.com>

Wed, Feb 3, 2021 at 1:19 PM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

As a Benson, Utah resident, residing at [3604 West 3000 North](#), I, Elaine Ricks wish to have you hereby acknowledge that I am very much

opposed to the Request of Logan City to add a Public Infrastructure Overlay Zone for composting human waste on 47 acres in the Agricultural (A10) Zone within

the Benson community. I reside in a home and manage land which is under Clay Farm Trust. It is land that my husband's family has resided on

since before he was born. The land is presently being utilized for Agriculture and it is our desire that it and the land within the Benson area

remain zoned as such. This proposed human waste compost facility is proposed to be situated on land that is extremely wet most of the year.

The irrigation flow and spring runoff of neighboring parcels will be affected. As a member of the Cache County Commission, we depend on you

to recognize the value of maintaining agriculture land and keeping the human waste far enough away from residences and agriculture that is being used

by farmers to tend their cattle and that it will not cause illnesses nor excess flies, insects and vermin. Having to smell human waste within a short distance from our residence

or for the farmers as they tend to their farmland and cattle is not something we wish to have, and if it were you living out here within just

2 to 3 miles away from the proposed land, you need to put yourself in our situation.

Elaine Ricks - Please Carefully consider this letter.



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Logan City - Cache Valley Human Waste composting Facility Rezone**

1 message

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**Clara Donna** <cobra84321@yahoo.com>

Wed, Feb 3, 2021 at 1:35 PM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

To the Cache county Planning Commission members; My name is Nathan W. Ricks, I am a long time resident of Benson, my parents

having owned and run land in this community for many years. I presently live at 3604 West 3000 North, Benson, we have land under

Clay Farm Trust.

As a life long resident of Benson, I'm very concerned that the Logan City Human waste wants to compost sewage sludge next to the

3200 West County road in Benson.

I understand you may believe the sludge to be harmless, however I wonder what your personal reaction would be if it was put next to your residence

back yard or near where you are required to go feed your cattle or take care of your farming land. Simply because we live in a

Farming community, doesn't mean we have to take the Human waste of Logan City!!!! Consider this, HUMAN WASTE!!!

there is disease, from bacteria, and odor. When the wind blows, consider not being able to go outside in your backyard

and enjoy the summer time with family and friends because of the smell. There is also the Blue Springs Creek nearby that is a protected waterway and there may likely be leakage of

the human waster into this protected waterway. Putting this Human waste compost in this area may effect the wild life and sport persons in this area because of

the slough bottoms and marina. Please, consider this carefully as you make your decision.

Thank you, Nathan W. Ricks





Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Cache Valley Compost Facility Rezone at 1400 N 3200 West Logan.**

1 message

**Kelby Johnson** <kelby.johnson5@gmail.com>

Wed, Feb 3, 2021 at 1:58 PM

To: devservices@cachecounty.org

Dear County Planning Commission,

As a resident of Logan City and a land owner in Benson I am adamantly opposed to the proposed rezoning and installation of the Logan City human waste compost facility.

Logan City needs to own their by products and not be pushing them off on others. Benson already houses Logan's botched attempt at building a sewer treatment system which failed. Why would we allow them to now build a very poorly located and poorly planned human waste compost facility? This proposed location is on a low lying piece of land that is wet though a large part of the year. Allowing the City to compost waste in this location will result in leaching of waste into surrounding wetlands, will increase the smell of the operation due to the compost windrows being too wet though much of the year which will also result in a longer composting time frame and a poor end product. Being far from City limits Logan will have no incentive to maintain the smell of the facility as it will have little affect on the city residents.

Additionally the loss of property value to the ruffly 25 - 30 houses that exist in the immediate vicinity for a system that they don't even have a part in is disgraceful.

I strongly urge you to turn down Logan City's request.

Respectfully,

Kelby Johnson



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Cache Valley Compost Facility Rezone at 1400 North 3200 West Logan**

1 message

**Kimber Johnson** <ksjohnson1000@gmail.com>

Wed, Feb 3, 2021 at 2:21 PM

To: devservices@cachecounty.org

Cache County Planning Commission;

I am a long-time resident of Benson. Frankly, I am tired of Logan using Benson as a dumping ground for their sewage. We don't like it and we don't want it. It is a common thing for the big guy to run over the little guy just because he can, but the rights of the little guy need to be protected too.

I understand that they don't want to smell their own wastes, but we don't want to smell their wastes either. And now, they want to put their sewage on a new plot of land besides the old sewage facility that they have already burdened us with. This new location is even closer to housing than the old facility was. Why don't they use the old facility they already have for compost or better yet, put it in their own back yard instead of ours? How about behind the new facility at about 600 North and 1400 West? I am sure there are options they can use instead of Benson.

Another important consideration is the fact that urban sprawl has and continues to consume too much farmland. They seem to fail to consider that farmland isn't just a cheap opportunity to expand their cities, but that it is actually REQUIRED to FEED their cities! The popular push is for everything to be sustainable, but it certainly is not sustainable to continue to consume farmland and expect to have ample food at affordable prices.

Please be sensitive to the needs and desires of our community.

Thanks,

Sherilyn Johnson



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Cache Valley Compost Facility Rezone at 1400 N 3200 W Logan**1 message

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**JaNae Moss** <janaejmoss@gmail.com>

Wed, Feb 3, 2021 at 7:02 PM

To: devservices@cachecounty.org

To Whom It May Concern,

I am adamantly opposed to the waste facility that is being considered. You shouldn't contaminate more ground. Use the ground that is already contaminated. The proposed ground is supposed to be on wetlands. We need to consider the damage that this facility would cause. Please let's not destroy more of the wildlife and habitat that is around us.

JaNae Moss



Cache County DevServices &lt;devservices@cachecounty.org&gt;

---

**Cache Valley Compost Facility Rezone at 1400 North 3200 West Logan".**

1 message

**Lorie Ballard** <eiolt@yahoo.com>

Thu, Feb 4, 2021 at 8:45 AM

To: devservices@cachecounty.org

To Whom it may concern:

I am writing to oppose the plan to realign boundaries for the composting of human waste. I am a resident of Benson, UT and I am opposed for the following reasons:

1. Logan city dumping their problems onto outlying farm land cities and territories.
2. Property values decreasing.
3. Smell and health risks associated with human waste leaching into ground water and other unforeseen issues.
4. Proximity to existing homes.
5. Increase in pests and vermin.

Please take into consideration the opinions of the property owners in the Benson area before moving on this matter.

Sincerely,

Riley and Lorie Ballard  
-Benson Property owners and residents

Sent from my iPhone



Cache County DevServices <devservices@cachecounty.org>

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## Cache Valley Compost Facility Rezone at 1400 North 3200 West Logan

1 message

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**Kimber Johnson** <ksjohnson1000@gmail.com>

Thu, Feb 4, 2021 at 10:58 AM

To: devservices@cachecounty.org

Dear Committee Members,

It would be ludicrous and completely irresponsible to allow this human waste project to contaminate the waters of Blue Springs Creek, thus threatening all those down stream!

Please Do Not allow this project to proceed.

Sincerely,

Kimber Johnson



Cache County DevServices <devservices@cachecounty.org>

---

## Cache Valley Compost Facility Rezone at 1400 North 3200 West Logan

1 message

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**Ethan Johnson** <mlucejh@stu.ccsdut.org>

Thu, Feb 4, 2021 at 10:53 AM

To: devservices@cachecounty.org

We CANNOT ALLOW human wastes to pollute the waters of Blue Springs Creek! This would be very detrimental to ALL who live down stream! Do NOT allow this proposal to go through!!!

Sincerely,  
Ethan Johnson



Cache County DevServices &lt;devservices@cachecounty.org&gt;

---

**Cache Valley compost facility**

1 message

**Kate Cardon** <kateisnumber1@hotmail.com>

Thu, Feb 4, 2021 at 4:44 PM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

We strongly object to the compost facility at this location. The following points should be taken into consideration:

1. The site is adjacent to the Blue Springs Creek also known as the south branch of the swift slough. Utah state law requires streambank access along the entire north side of the property. Logan City violated this along the north branch of the swift slough when they installed the polishing ponds although it was clearly a condition of the conditional use permit obtained from the zoning commission.
2. The clean water act mandates that compost must not be placed within 100 feet from any body of water. The proposed parcel is only about 600 feet in width.
3. Logan City has **more than** 2 square miles (128 city blocks) of property dedicated for the treatment that is already permitted including other composting sites.
4. This project at the proposed location does not conform to the Cache County Master Plan.





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

---

**Fw: Logan City Composting site proposed for Benson, Utah**

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Clara Donna &lt;cobra84321@yahoo.com&gt;

Mon, Feb 22, 2021 at 10:09 AM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

----- Forwarded Message -----

**From:** Clara Donna <cobra84321@yahoo.com>**To:** [devservices@cachecounty.org](mailto:devservices@cachecounty.org) <[devservices@cachecounty.org](mailto:devservices@cachecounty.org)>**Sent:** Sunday, February 21, 2021, 10:51:29 AM MST**Subject:** Logan City Composting site proposed for Benson, Utah

Dear Development Services of the Planning and Zoning,

We are Nathan W. and Elaine Ricks, we live in Benson, Utah in close proximity to where the proposed Compost site is. We are opposed to this site being built in Benson. We have been greatly concerned about this facility being built here in our beautiful Benson, Utah. In our research, we have found the following article online and would ask that you would distribute it to all the members of the Commission. Thank you.

---

**5 attachments****Compost company sued for 425 Million 2012 Utah County.docx**  
372K**Compost Article 2008 Timp Service Area Black Gold.docx**  
85K**Compost Article lawsuit filed over American Fork sewer plant 2012.docx**  
17K**Compost Article Lawsuit over sewer stink alleges.docx**  
39K**Compost Box Elder Corienne.docx**  
168K

# Compost company sued for \$425 million over smell in Utah County

By Sam Penrod | Posted - May 23, 2012 at 7:05 p.m.

10 photos  
108



This archived news story is available only for your personal, non-commercial use. Information in the story may be outdated or superseded by additional information. Reading or replaying the story in its archived form does not constitute a republication of the story.

AMERICAN FORK — A new lawsuit claims a compost facility in Utah County has or will cause \$425 million dollars in damages to business in the area because of the smell.

Most of the complaints are coming from an office complex about a half-mile north of the publicly-owned compost facility and wastewater treatment plant. The property owner and nearby cities are filing a lawsuit over what they call a foul smell.

It has a reputation as the best compost around, to help your flowers grow and the vegetables in your garden to flourish-but for the neighbors of the Timpanogos Special Service District, the odor from the compost piles, is at times too much.

"When the wind blows in the wrong direction, I get emails, I get phone calls and we've been promised so many times this is going to stop," said developer Mark Robinson.

When the wastewater plant was built, it was in an open area, far away from any business. But over the past decade, businesses and office complexes have sprouted closer to the plant, which composts human waste with tree limbs and other green waste.

"The problem that we have now is that we have stigma that it smells in American Fork and Pleasant Grove and therefore we are having a difficult time getting new tenants and some of our larger tenants, if we don't fix this problem, they are not going to renew." Mark Robinson

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"The problem that we have now is that we have stigma that it smells in American Fork and Pleasant Grove and therefore we are having a difficult time getting new tenants and some of our larger tenants, if we don't fix this problem, they are not going to renew," Robinson said.

The irony is that those suing the facility are also partners in it. But American Fork and Pleasant Grove cities say they can't get the other municipalities to stop the composting, which they claim is costing them millions in lost tax revenue.

"When the wind blows or things smell, it moves right into Pleasant Grove and into American Fork, and that becomes our issue," said Pleasant Grove City administrator Scott Darrington.

The facility operator said \$16 million have been invested to improve the composting process, which helps to dispose of human waste.

The \$425 million dollar lawsuit may just be an attention getter to stop the facility from composting on this site. The plaintiffs want the composting to be moved to a different location, or have the human waste hauled to the landfill.

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## **PHOTOS**

Photo 1 of 10





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## RELATED STORIES

- Something's rotten in the west of Salt Lake Valley, resident says

# Black gold' compost loses its sparkle

- Caleb Warnock -DAILY HERALD

- Mar 13, 2008

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CRAIG DILGER/Daily Herald Garland J. Mayne of Timpanogos Special Service District explains to American Fork Mayor Heber Thompson how the plant creates compost that it then makes available to the community. Wednesday, February 5, 2008.

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**Treatment plant will no longer include human waste in the compost it sells** Those who advocate environmental sustainability have given it a nickname: humanure. But in Utah Valley it has long been famous as "black gold" for the garden.

For years, the north county sewer district has sold thousands of tons of compost containing three parts green waste and one part human waste, which local officials euphemistically call biowaste and environmentalists truncate to humanure.

But the months-long process required to create compost -- essentially allowing the mixture to naturally heat and rot outdoors -- stinks. And this week, because of complaints from businesses and residents, the sewer district is going to start putting the humanure not in compost, but in the landfill, at a cost of \$750,000 a year.

Priced at \$20 for about 300 pounds, the compost created at the sewer district is so popular that it sells out year after year. But gardeners and landscapers concerned that they may lose their favorite soil amendment can bestill their hearts: The district will continue to make and sell compost from green waste, just omitting the humanure. Supplies of compost containing humanure are expected to last through the summer.

Not only does composting save \$750,000 in landfill fees, selling the 30,000-plus cubic yards produced each year for gardeners brings in more than \$430,000, district manager Garland Mayne said. The district processes 410,000 gallons of sewage a day from north valley cities and since 1992 has composted and sold 100 percent of the biosolids produced locally.

The district has recently spent \$1.3 million to purchase and house two machines to press water out of the biowaste and form it into cakes to be transported to the landfill,

Mayne said, and those machines go online this week. The sewer district board has yet to decide whether residents will see a fee increase because of the new expenses.

While some sustainability enthusiasts advocate using humanure as a method of responsible organic gardening, in Utah Valley it has long been popular not just because it is great for the garden but because it keeps down sewer fees.

"It has saved residents millions of dollars over the years," Mayne said of composting the waste instead of sending it to the landfill.

Assistant manager John Adams said neither residents nor district officials are happy about taking the humanure to the landfill and everyone wants to work to get back to composting. Over the next three years, the district will look for property somewhere out of smell's way to start composting again.

To keep up with demand for compost while having less to make it out of, Mayne said local residents are encouraged to continue to drop off their grass and tree trimmings at the sewer district, a free disposal service that puts mountains of organic matter to use rather than filling the landfill.

Compost can be purchased for \$20 per cubic yard at the sewer district, 6400 N. 5050 West in Utah County, west of Pleasant Grove Exit 275 on I-15. Compost is not bagged and purchasers must have a truck. For information, call 756-5231.

# lawsuit filed over American Fork sewer plant's 'humanure' piles

- By Contributed

- Sep 19, 2012

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AMERICAN FORK— Several Utah County cities and businesses are raising a stink over compost piles made from human waste at a sewage treatment plant, saying it's no way to treat the neighbors.

They filed a \$425 million lawsuit against the Timpanogos Special Service District in American Fork seeking relief.

"As the foul odor permeates the surrounding areas, it regularly causes physical illness among residents, workers and visitors," says the complaint in 4th District Court. It was filed earlier this week by American Fork, neighboring Pleasant Grove, the American Fork Chamber of Commerce and businesses including a BMW dealership and an RV park.



Citizens have lodged complaints for years, and the sewer district has responded by trying to keep odors down. By 2010, officials said they were wrapping 160-foot-long sludge piles in Gore-Tex tarps that reportedly eliminated as much as 97 percent of the odor while hastening composting.

The lawsuit, however, says workers who uncover the piles to mix chopped vegetation with human waste are releasing "substantial, obnoxious and foul odors through several miles of surrounding commercial and residential areas."

Utah County commissioners were named in the lawsuit because they oversee the Timpanogos Special Service District.

"I'm sad and disappointed in it, and I think there are other ways to work on it," Commissioner Larry Ellertson told the Daily Herald of Provo. "I think there has been much progress made and continued to be made."

The service district collects sewer waste from about 40,000 households across a wide area of northern Utah County, said Walter Baker, director of the Utah Division of Water Quality.

"They've got a massive concrete pad for their composting operation and water stops to prevent any groundwater contamination," said Baker, listing his agency's only concerns with the operation. "As far as the management of it — the odors of it — that's not under our purview."

The odors are driving down rents in nearby office buildings, the lawsuit says.

"For example, commercial building owners have greater difficulty leasing their spaces, lease rates are lower than they otherwise would be, and tenants have either left or have threatened to leave if the odor continues to plague the area," it said.

The sewer plant reportedly keeps hundreds of tons of sludge onsite for compost, saving money on disposal. In 2010, officials told the Deseret News they earned \$375,000 from compost sales, offsetting costs for hauling away remaining sludge.

District Manager Jon Adams didn't return a phone message Wednesday from The Associated Press.

# Lawsuit over sewer stink alleges \$425M in damages

- Caleb Warnock - Daily Herald
- Sep 19, 2012 Updated Jun 14, 2013
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ASHLEY FRANSCELL/Daily Herald Jason Bouey of Managed Organics Recycling in California takes a tarp off of a pile of humanure from the Timpanogos Special Service District Thursday, February 26, 2009 at Central Valley composting in Salt Lake City. It was the 16th test since the humanure was taken to Salt Lake City last Thursday, February 19, 2009. There will be eight more tests in the next three weeks before the pile is turned. Timpanogos Special Service District is testing a special tarp which covers the humanure and keeps the odor from dissipating into the air.

Ashley Franscell

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Pleasant Grove and American Fork have filed charges of massive damages and requested a jury trial over so-called "humanure." If successful, the lawsuit will force a fee increase for all residents of north Utah County.

The lawsuit was filed in 4th District Court on Tuesday by the members of Citizens For Clean Air And Progress, including Pleasant Grove City, American Fork City, BMW of Pleasant Grove, the American Fork Chamber of Commerce, Stewart's RV and others. The suit alleges the Timpanogos Special Service District "is engaged in the business of processing and selling compost made from the human waste sludge referred to in the composting industry as 'humanure.'"

Composting has caused property value loss and loss of tax revenue of \$75 million "plus cumulative future losses in excess of \$350 million," according to the suit. Plaintiffs are seeking damages "in an amount to be determined at trial," an injunction to halt composting and attorney's fees.

North county residents -- through their sewer fees -- have already spent \$5 million to reduce the stink for nearby businesses that have encroached on the treatment plant. Land that was decades ago considered the perfect home for sewage has now become valuable real estate because it is near a freeway exit and because centralized land is harder to come by. The only way to make the smell truly vanish is for local homeowners

to see a big-time spike in their monthly sewer fees -- perhaps \$5 or \$6 a month in perpetuity to ship the waste to a landfill.

County Commissioner Larry Ellertson said on Tuesday that he was unaware the group had filed suit. County commissioners are named in the suit because they oversee the sewer district.

"Because of the nature of the lawsuit we're not going to be able to say a whole lot about it," he said. "I'm sad and disappointed in it, and I think there are other ways to work on it. I think there has been much progress made and continued to be made."

At the sewer plant, hundreds of tons of human waste are mixed with chopped leaves and wood and grass clippings and composted in rows that are 160 feet long, 24 feet wide and 10 feet tall, according to the lawsuit, a copy of which was provided to the Daily Herald.

As the district "creates the humanure by cooking, turning over and mixing the compost mixture," it emits "substantial, obnoxious and foul odors through several miles of surrounding commercial and residential areas," reads the lawsuit. "As the foul odor permeates the surrounding areas, it regularly causes physical illness among residents, workers and visitors. In fact, this dangerous and foul odor has forced numerous persons to take sick days, closed entire offices, and forced the cancellation of numerous meetings and events due to the adverse health effects and unpleasant nature of the odor. Hundreds of citizen complaints have been registered with the district."

In addition, the odor has stunted development and hurt property values.

"For example, commercial building owners have greater difficulty leasing their spaces, lease rates are lower than they otherwise would be, and tenants have either left or have threatened to leave if the odor continues to plague the area," reads the lawsuit.

By allowing the district's activities, Utah County has violated state codes, the suit alleges. Representatives have been improperly appointed and "the illegally appointed representatives have refused to address the unlawful effects" of composting and "have effectively pushed development away from Pleasant Grove and American Fork."

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1 remaining of 3

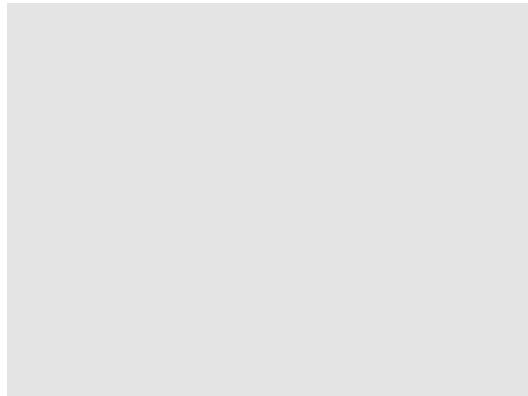
**Thank you for reading!** We hope that you continue to enjoy our free content.

Citizens For Clean Air And Progress

- 
- Updated Sep 18, 2012

Timpanogos Special Service District

- 
- Updated Sep 18, 2012



'Pungent Grove' could lose \$16M to sewer stink

PLEASANT GROVE -- With a grand total of \$405 million in tax revenue at stake, officials from Pleasant Grove and American Fork gathered with st...

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## Box Elder County residents concerned over farmer's use of biosolids

By [Deseret News](#) Apr 10, 2014, 8:10pm MDT

*Michael Anderson, For the Deseret News*

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GRID VIEW





1 of 2

**Residents in Corinne, Box Elder County, are concerned that a farmer is using biosolids to fertilize his field. They say the smell is awful, and the black-colored material isn't safe.** Michael Anderson, Deseret News

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•

**They're putting our family at risk, and they're telling us that the pathogens have been significantly reduced. They're not gone. They're not eliminated. – Alan Riser**

CORINNE, Box Elder County — Jana Young can't stand to be in her backyard.

"The smell is awful out here," she said. "We're used to the manure smell, but this smells nothing like manure. It's human poop, and it stinks."

Families in Corinne are complaining about a sewage smell in their yards. They say a nearby farmer is using compost made from human waste, and they are concerned for their health.

The compost the Ferry family farm uses comes from a wastewater treatment plant in Salt Lake County. It starts as raw sewage but undergoes more than a monthlong process before it becomes fertilizer. The farmer says it's safe, but homeowners aren't convinced.

People in Corinne say they first became alarmed when they saw the black-colored material show up. And then there was the smell.

"My wife's already complained a couple of times about the sewer smell, and it's just something you don't expect," farmer Delwin Mills said.

Joel Ferry and his family maintain several thousand acres in Box Elder County.

"We've been farming here in the Bear River Valley for 115 years," Ferry said. "We love this community. It's a beautiful place."

Nearby homeowners say when the breeze picks up, the smell is unbearable.

"It stinks," Young said. "It's a terrible smell."

Alan Riser said that odor pushed him to study what are known as class B biosolids.

"They're putting our family at risk, and they're telling us that the pathogens have been significantly reduced. They're not gone. They're not eliminated," Riser said.

He's right that not all pathogens are destroyed in such chambers, but they're reduced to safe levels, according to Environmental Protection Agency regulations.

"I would never do anything to hurt or harm the health and well-being of others in our community," Ferry said, adding that his family follows strict regulations for use of the compost.

"I use a special machine that meters all of the biosolids that we apply," he said.

Ferry said the biosolids are very nutrient rich. They have a lot of nitrogen and phosphorus that's beneficial for the crops, he said.

"So these are crops that go for animal feeds," Ferry said. "They don't go for direct human consumption."

When treated and processed, sewage sludge becomes biosolids that can be safely recycled and applied as fertilizer to sustainably improve and maintain productive soils and stimulate plant growth, according to the EPA website.

"After taking courses, looking at the EPA's guidelines, it's been proven time and time again that land application of biosolids poses no significant risk to the public's health," Ferry said.

Still, considering where it comes from and its unusual smell, people can't help but worry.

"We have a grandparents' yard here," Larraine Riser said. "It makes it so I don't dare have my children over to enjoy those things that I have a right to enjoy."

Ferry said he has heard from very few members of the community about the smell.

"Most of the people that are now complaining have not said a single word to me or my family," he said.

The Ferrys said they're now keeping the biosolids at least a quarter-mile away from any homes.

"I dedicate my life to improving the land that I work on," Ferry said. "I love it. I wouldn't want to be doing anything else."

Email: [manderson@deseretnews.com](mailto:manderson@deseretnews.com)



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Fw: Logan City Composting proposed for Benson Utah - Rezone requested**

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Clara Donna &lt;cobra84321@yahoo.com&gt;

Mon, Feb 22, 2021 at 10:11 AM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

----- Forwarded Message -----

**From:** Clara Donna <cobra84321@yahoo.com>**To:** [devservices@cachecounty.org](mailto:devservices@cachecounty.org) <[devservices@cachecounty.org](mailto:devservices@cachecounty.org)>**Sent:** Sunday, February 21, 2021, 10:54:32 AM MST**Subject:** Logan City Composting proposed for Benson Utah - Rezone requested

Dear Development Services of the Planning and Zoning,

We are Nathan W. and Elaine Ricks, we live in Benson, Utah in close proximity to where the proposed Compost site is. We are opposed to this site being built in Benson and therefore the rezone. We have been greatly concerned about this facility being built here in our beautiful Benson, Utah. In our research, we have found the following article online and would ask that you would distribute it to all the members of the Commission. Thank you.

These are not the same articles as sent in previous emails.

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**6 attachments****CompostingArticleBiosolidsHumanwastewithtoxicchemicals.docx**

144K

**CompostingFollowupArticleUtah County residents raise stink in lawsuit 2012.docx**

17K

**CompostingLawsuitReviewTimpServiceDecember 2017 The Stench of Frivolous Lawsuits.docx**

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**CompostLawsuitArticleOutcomeSpecial service district reaches deal to mitigate odor in Pleasant Grove.docx**

42K

**CompostLawsuitStench from compost production prompted complaints.docx**

324K

**CompostUtahRegulationsCodeR315.docx**

20K

**Biosolids: mix human waste with  
toxic chemicals, then spread on crops**





Dairy cows rest outside at Stoneridge Farm in Arundel, Maine, in August 2019. The farm was forced to shut down after sludge spread on the land was linked to high levels of PFAS in the milk. Photograph: Robert F Bukaty/AP

Residual sludge from treating waste water has been turned into a money-spinner but what are the costs to health of ‘the most pollutant-rich manmade substance on Earth’?

**Tom Perkins**

Sat 5 Oct 2019 02.00 EDT

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3,348

By some estimates, Americans send about 300m pounds of feces daily from the nation’s toilets to wastewater treatment plants.



Ocean cleanup device successfully collects plastic for first time

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While the water is cleaned and discharged, the remaining toxic sewage sludge stays at the treatment plant, and it’s what Sierra Club environmentalist Nancy Raine calls “the most pollutant-rich manmade substance on Earth”.

This “biosolid” sludge is expensive to dispose of because it must be landfilled, but the waste management industry is increasingly using a money-making alternative – repackaging the sludge as fertilizer and injecting it into the nation’s food chain.

Now the practice is behind a growing number of public health problems. Spreading pollutant-filled biosolids on farmland is [making people](#)



sick, contaminating drinking water and filling crops, livestock and humans with everything from pharmaceuticals to PFAS. As more biosolid-linked crises develop, some farmers and environmentalists are calling for a ban on the practice.

In 2019, about 60% of sewage sludge produced by treatment facilities will be spread on farmland and gardens, as well as schoolyards and lawns. Sludge holds nitrogen, phosphorus and other nutrients that help crops grow, so the waste management industry lightly treats it and sells it cheaply to farmers who view it as a cost-saving product.

But in fact the excrement from which sludge derives has mixed with any number of 80,000 manmade chemicals that are discharged from industry's pipes or otherwise pumped into the sewer system. By the time the mix lands in treatment plants, it can teem with pharmaceuticals, hormones, pathogens, bacteria, viruses, protozoa and parasitic worms, as well as heavy metals like lead, cadmium, arsenic or mercury. It often includes PCBs, PFAS, dioxins, BPAs and dozens of other harmful substances ranging from flame retardants to hospital waste.

"Spending billions of dollars to remove hazardous chemicals and biological wastes from water, only to spread them on soil everywhere we live, work and play defies common sense," said David Lewis, a former Environmental Protection Agency scientist who opposed spreading sludge on cropland in the mid-1990s as the agency approved the use.

Previously treatment facilities burned sludge or dumped it in the ocean, but the federal government barred the practices because doing so violated clean air rules or created marine dead zones. The EPA now insists spreading the same toxic substance on farmland is safe.

Raine questioned that conclusion, noting that there is very little regulation, very little testing and no knowing what's in each batch of sludge as compositions vary.

In what biosolid testing the EPA has conducted, it identified more than 350 pollutants. That includes 61 it classifies "as acutely hazardous, hazardous or priority pollutants", but the law requires only nine of those be removed. Moreover, the EPA and wastewater treatment plants don't test for or otherwise analyze most of the 80,000 manmade chemicals.

In a scathing 2018 report, the EPA office of inspector general noted the agency couldn't properly regulate biosolids, even if it sincerely tried, because "it

lacked the data or risk assessment tools needed to make a determination on the safety of 352 pollutants found in biosolids”.

Though regulators and industry don’t know what’s in biosolids, there’s strong evidence that it can be dangerous.

A University of North Carolina [study](#) found 75% of people living near farms that spread biosolids experienced health issues like burning eyes, nausea, vomiting, boils and rashes, while others have contracted MRSA, a penicillin-resistant “superbug”.

In South Carolina, sludge containing high levels of carcinogenic PCBs was [spread on cropland](#), and in Georgia sludge [killed cows](#). Biosolids are also thought to be partly [responsible for toxic algae blooms](#) in the Great Lakes and Florida, and biosolid treatment centers regularly [pollute the air](#) around them.



Sewage sludge from the Lapeer wastewater treatment plant in drying beds, where it is being stored until an arrangement is made for permanent disposal, in Lapeer, Michigan. State officials ordered Lapeer to stop distributing its sludge for use as farm fertilizer after it was found to contain toxic PFAS chemicals. Photograph: John Flesher/AP

Meanwhile, sewage sludge is behind a widening PFAS crisis that has contaminated farms in Maine, [Michigan](#), Wisconsin, Alabama and Florida. PFAS, or “forever chemicals”, are linked to a range of serious health problems like cancer, thyroid disorders, immune disorders and low birth weight. The chemicals are a product used to make non-stick or water-resistant products, and are found in everything from raincoats to dental floss to food packaging. Maine’s testing of 44 fields sprayed with biosolids earlier this year consistently [found alarming PFAS levels](#) in the ground, cows and [farmers’ blood](#), which forced one dairy farm to shut down.

“They’re [finding](#) kilograms of PFAS in sewage sludge when nanograms are harmful to humans, so you can’t regulate it as a fertilizer,” said Laura Orlando, a civil engineer who tracks problems with biosolids.

Still, state governments continue to allow biosolids to be spread on farmland or sold in compost. In Michigan, an environmental official [recently said](#) the state won’t test for PFAS in milk because it doesn’t want to put farmers out of business. A spokesperson for Michigan’s department of environment, Great Lakes and energy did not respond to specific questions about biosolid use, but said the state had increased PFAS testing, and in 2017 it issued suggestions for biosolids applications.

However, the Sierra Club’s Great Lakes manager, Christy McGillivray, noted that Michigan doesn’t have PFAS standards, so “that makes it impossible to regulate”. As of now, states aren’t testing for most of the thousands of chemicals known to be in sludge beyond PFAS.

Biosolids are also creating tension in some rural communities as farmers who use it pollute watersheds, contaminate neighbors’ wells or sicken neighbors.

Don Dickerson, a farmer with land in Michigan and Ohio, told the Guardian biosolid dust from an adjacent field had coated his home and crops in the substance. Paul Wohlfarth, a resident of Riga Township, Michigan, said sludge is contaminating his well, and charged that biosolids from the state’s cities were “turning Riga Township into a waste dump”.

“When you put heavy metals, PFAS, plastics, pharmaceuticals and all that in the soil, sooner or later it gets toxic, and you can’t wish that stuff away. You’re ruining the topsoil forever,” he said.

Though the government is reacting slowly or ignoring problems, companies like [Whole Foods](#), Dole, [Heinz and Del Monte](#) won't buy crops grown in biosolids, while [Switzerland](#), the Netherlands and other countries have banned it.

Still, the wastewater industry has strongly denied that health issues exist and regularly calls any contrary evidence anecdotal.

The Great Lakes water authority, which operates one of the nation's largest biosolid programs, declined interview requests from the Guardian. Despite sludge's chemical makeup, the wastewater industry bills biosolids as "green" and even [sells it](#) as organic fertilizer in stores like Walmart and Lowe's, though packaging doesn't indicate that it's composed of human and industrial waste. The waste management industry treats sludge in several ways before labeling it fertilizer – air drying, pasteurization and composting are among common methods. Lime is employed to raise the pH level to eliminate odors, and about 95% of pathogens, viruses and other organisms are killed in the process.

But Raine stressed that none of the thousands of chemicals known to be in biosolids, or tens of thousands of manmade chemicals for which the government doesn't test, are removed.

"It has a technical song that sounds pretty good. However, nothing that is done to the sludge removes the chemicals," Raine said. "They just spend a little money on PR to convince us it's nice fertilizer and fail to mention all the other things that are in it."

# Utah County residents raise stink in lawsuit over composting facility

*Court • Smell from Timpanogos Special Service District has caused illnesses, diminished property values, lawsuit claims.*

By Cimaron Neugebauer The Salt Lake Tribune

• September 26, 2012 5:14 pm

This is an archived article that was published on sltrib.com in 2012, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

Pleasant Grove business owner Jim Ferrin won't open his office window for fresh air and is shy about telling people where he spends his work days.

Possible clients who learn that Ferrin's financial planning business is located a mile east of the Timpanogos Special Service District's composting facility are quick to offer an opinion about the area: "Oh, that is where it stinks."

The stench coming from piles of heated human waste at the TSSD's composting facility has stirred up enough controversy that Ferrin, a member of Citizens for Clean Air and about 45 others including two cities, numerous businesses, and property owners, filed a lawsuit this month in 4th District Court against both the district and Utah County.

The plaintiffs are seeking more than \$350 million from the government, claiming multiple violations by TSSD and the county, including allegations that the entities are a public nuisance, private nuisance, negligence and inverse condemnation.



The putrid smell has diminished property values to the tune of more than \$75 million, the lawsuit claims. Not only does it stink, the smell has made people sick, the suit alleges.

But Jon Adams, district manager of TSSD, said the facility isn't in the wrong and is in compliance with its permit.

The TSSD began composting in 1994 on a small scale, but expanded its operation two years later. Previously farmers took the sewage and used it on their fields, or some was taken to the landfill. Now, all the material is composted.

The lawsuit demands that the county remove composting, but Adams said TSSD and the county will likely fight that idea.

"Obviously, there are some things [in the suit] we don't agree with," he said. "To our knowledge we are in full compliance with the permit."

Adams said TSSD has undergone a "significant investment" to reduce the odor over the years, including creating a tarp system to cover the compost and installing bio filters to scrub the air of the smell in a concrete box before it is released.

Those efforts, however, aren't enough to contain the smell, according to plaintiffs in the lawsuit.

American Fork city administrator Craig Whitehead said his city joined the suit to because the compost has become an economic development issue. Businesses don't want to relocate to an area where customers gag when going outside, he said.

"If we are losing business to neighboring cities because of that we want to solve the problems," said Whitehead.

Mark Robinson, owner of North Pointe business park in American Fork, describes the stench as something comparable to a "construction outhouse."

He bought the American Fork property west of the freeway near 800 East 1180 South in 2000 and built a couple of buildings on it

before he first noticed the smell. He learned TSSD was mixing compost at night and had invested a tarp system in covering the smell. It was at that point Robinson realized the construction location he picked was an "error of epic proportions" and worried about the viability of future business in the area.

Robinson's concerns are shared by Pleasant Grove City Administrator Scott Darrington. He said Adobe recently considered Pleasant Grove as a site for its expanding business in Utah County, but passed, telling the city its odors were an issue.

"That causes us heartburn when people say 'we like the site, but what about this odor, what are you going to do about it?'" Darrington said. "It is frustrating to us, because it is something we cannot control."

The city and stake holders have come together to resolve the issue, but have never been able to reach an agreement.

Ferrin and others say the composting facility emits a scent far worse than the average farm or cow manure smell.

"What I discovered here is that when it stinks here — it really stinks," Ferrin said who is from Lindon, but spends his work days in Pleasant Grove, a mile east of the TSSD by the north end of Utah Lake.

The strong odor in the near vicinity "regularly causes physical illness among residents, workers and visitors," said Ferrin and other plaintiffs in the lawsuit, according to court documents. The smell has forced a number of people to take sick days, close their office, and cancel meetings or events because of the "unpleasant nature of the odor," the lawsuit states.

The TSSD has been around for longer than most businesses filing the current lawsuit. But Utah County since 2008 has allowed for changes at the facility, including composting of hundreds of tons of humanure, which is green waste mixed with human waste sludge. The waste is stored and mixed in long rows about the

length of a football field. The cooking and mixing of the compost creates a "substantial, obnoxious and foul odor," according to court records.

The TSSD disposed of some waste in a landfill in the past, but abandoned that plan after deeming it too costly. In 2010, the city obtained a permit to discard storm water and biologically treated human waste solids into Utah Lake.

Ferrin said he's hopeful the lawsuit will put a stop to composting in Pleasant Grove.

"They shouldn't be composting at the side of the freeway at what should be multi-million dollar business park," Ferrin said adding that "it is destroying Pleasant Grove."

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December 2017 The Stench of Frivolous Lawsuits (and Human Waste) Kempton Cox Brigham Young University, kemptoncox@gmail.com Follow this and additional works at: <https://scholarsarchive.byu.edu/marriottstudentreview> Part of the Business Administration, Management, and Operations Commons, Business and Corporate Communications Commons, Civil Law Commons, and the Entrepreneurial and Small Business Operations Commons Marriott Student Review is a student journal created and published as a project for the Writing for Business Communications course at Brigham Young University (BYU). The views expressed in Marriott Student Review are not necessarily endorsed by BYU or The Church of Jesus Christ of Latter-day Saints. Recommended Citation Cox, Kempton (2017)

"The Stench of Frivolous Lawsuits (and Human Waste)," Marriott Student Review: Vol. 1 : Iss. 3 , Article 7. Available at: <https://scholarsarchive.byu.edu/marriottstudentreview/vol1/iss3/7> This Article is brought to you for free and open access by the Journals at BYU ScholarsArchive. It has been accepted for inclusion in Marriott Student Review by an authorized editor of BYU ScholarsArchive. For more information, please contact [scholarsarchive@byu.edu](mailto:scholarsarchive@byu.edu), [ellen\\_amatangelo@byu.edu](mailto:ellen_amatangelo@byu.edu). The Stench of Frivolous Lawsuits (and Human Waste) Cover Page Footnote Special thanks to Brady Brammer, JD MPA, who successfully negotiated the outcome of the Timpanogos case on behalf of the concerned citizens.

This article is available in Marriott Student Review:

<https://scholarsarchive.byu.edu/marriottstudentreview/vol1/iss3/7> 20 | MSR By Kempton Cox

I remember when the McDonald's hot coffee case hit the news. Don't we all? An elderly woman named Stella spilled hot coffee on herself, sued McDonald's, and won \$3 million. It was a hallmark of America's unhealthy love for frivolous litigation, and the case drew harsh criticism from the court of public opinion. "Uh...yep. Coffee is hot. And she spilled on herself because she was driving at the same time." I agreed with everyone else—the outcome of the case was absolutely ludicrous. But then, years later, I read the case in law school. I learned that she wasn't driving—she was the passenger. And the car was stopped. As she opened the lid, the coffee spilled, causing burns (including third-degree burns) on nearly 17% of her body. After eight days of hospitalization and undergoing painful skin grafts, she faced over two years of disability and recovery. Clearly, this was no ordinary coffee. In fact, McDonald's sold its coffee at 180 - 190 degrees Fahrenheit, far above the 130-degree industry standard. They had discovered that most people pick up coffee on the way to work, wanting it to be hot when they reach the office. So, McDonald's decided to adjust for cooling time, selling the coffee at a heat that they themselves considered "not fit for consumption."<sup>1</sup> During the ten years prior to the famous case, McDonald's received over 700 complaints from burn victims,<sup>2</sup> but McDonald's marched onward: the revenue from the hot-when-you-get-to-work coffee far outweighed the settlement payouts. Until Stella, anyway. She also offered to settle, but she wanted \$20k to cover medical costs, and they refused.<sup>3</sup> So she went to court, and the jury awarded her far more than she was asking, in part because the punitive damages were designed to discourage McDonald's from continuing its bad behavior. Oh, and that \$3 million verdict? It was equal to less than three days of coffee sales for McDonald's.<sup>4</sup> Hardly a dent.

**[Composting begin reading here]**

That's all very interesting, you say, but what does it have to do with human waste? Keep reading. In 2012, a different sort of "frivolous" lawsuit hit the fan, and this time it was close to home, at least for those of us living in Utah County.

The Timpanogos Special Service District runs a composting plant, producing some of the best compost available in the area.

But it stinks. The STENCH of Frivolous Lawsuits (and Human Waste) 1 Cox: The Stench of Frivolous Lawsuits (and Human Waste) Published by BYU ScholarsArchive, 2017 Volume I, Issue III |21

So neighbors sued. And the frivolous-lawsuit warriors began their public outcry: "This is another ridiculous lawsuit." "[R]edicolous (sic) amount of money because of a harmless smell. Next time I have to work next to someone with a B/O problem, I'll just sue." "This is always the way it is isn't it? ... The asudacity (sic) of these people is beyond hypocritical." "This is a joke of a lawsuit." "Stupid lawsuit." "Get over it." "Grow up." And on, and on, and on. And these reprimands were taken from the comment section of just one news article.<sup>5</sup> We might be inclined to agree that suing over smelly air is frivolous. We do, after all, live in a society and must suffer some minor inconveniences. But I had learned from the McDonald's case to distrust the court of public opinion and learn the facts for myself. And I did.

The composting plant had the policy of mixing one part human waste with three parts green waste. This is good composting practice, but it creates a problem: as the population grows, the compost heaps grow at a 4 - 1 ratio.

In the ten years leading up to the lawsuit, the heaps had grown from 2,000 dry metric tons to an upper estimate of 26,000.

The plant was operating 24 rows of piles, each one measuring 10 feet high, 24 feet wide, and 160 feet long. Clearly, this was no ordinary compost heap.

In fact, over one thousand complaints had come in over the years, ranging from losses in property value, to headaches, to vomiting. So, the special district reached out to everyone within a one-mile radius, trying to get them to voluntarily grant an easement for the "passage of odiferous air." The easement asked residents and property owners to accept a list of negative fallouts "including, but not limited to" headaches, bronchial malady, reduction in property value, and loss of appetite or sleep.

When nobody agreed to sign voluntarily, the district offered money in exchange for the easement.

When that failed, it sought a claim under eminent domain, suggesting that public necessity trumped private property interests. No attempt succeeded, but the plant continued to grow its operations. Then, finally, the neighbors and businesses in the area placed their legal rights into a single entity and sued the district.

To prove their case, the neighbors would need to show that the smell was past the funny level and into the dangerous level. But how does one quantify stink? Well, you call an odor expert. You can count all of America's odor experts on one hand, and they all know each other. The citizens' attorney chose to employ the expertise of Bob Bowker, the man who literally wrote the book on odor control and measurement (along with more than a dozen other publications on the subject). Bob flew from his home

in Maine, and over the course of several days, he joined the attorneys and plant administrators at the heaps, where he trapped air in sealed domes at different times—windy days, calm

To prove their case, the neighbors would need to show that the smell was past the funny level and into the dangerous level. But how does one quantify stink? 2 Marriott Student Review, Vol. 1, Iss. 3 [2017], Art. 7 <https://scholarsarchive.byu.edu/marriottstudentreview/vol1/iss3/7> 22 |

MSR days, the middle of the night, right after the heaps had been freshly stirred to release gaseous build-up, etc.

From there, the domes were shipped to a special facility in St. Croix, Minnesota, where a panel of trained smellers prepared for a long day.

This is where it gets interesting. The odiferous air is released into isolation chambers, where only the smeller's nose is permitted entry. Then, the smeller begins to introduce fresh air into the chamber, unit by unit.

When the ratio of fresh air to odiferous air is 1 - 1, the air is at one odor unit. When the ratio is increased to 2 - 1, the air is at two odor units, and so on. The trained smeller carefully identifies the moment at which enough fresh air has been introduced that the odiferous air no longer smells. The higher the odor units, the stinkier the original air is determined to have been.

The results in our case were alarming.

The industry standard for public composting is for air at the edge of the property to land between 4 - 7 odor units.

Conservative estimates of air taken from the fence line at the Timpanogos heaps placed the smell from 100 - 200 odor units. Yes, you read that correctly.

The experts also determined that regardless of whether the heaps were covered, the air a mile away was still at 30 odor units—enough for someone sensitive to smells, like a pregnant woman, to vomit.

Fortunately, the special district was reasonable, and unlike Stella and McDonald's, the two parties came to a settlement before going to trial.

As part of the agreement,

the heaps are currently stirred only at night, the green-to-human waste ratio has been increased to 5 - 1, and all composting in the area will cease by 2020.

Most people, if presented with the facts in either of these two cases, would agree that the lawsuits were not frivolous. In fact, these are precisely the types of situations for which the American system of civil litigation was established. But let this be a lesson for all of us. Don't draw your weapon in the battle against frivolous lawsuits if you haven't done your research. Oh, and don't trust the news.



References 1 “McDonalds’ Hot Coffee Case.” Texas Trial Lawyers Association. Center for Justice & Democracy. <https://www.ttla.com/index.cfm?pg=McDonaldsCoffeeCaseFacts>. 2 Ibid. 3 Ibid. 4 Ibid. 5 Penrod, Sam. “Compost Company Sued for \$425 Million over Smell in Utah County.” KSL, May 23, 2012. “Most people, if presented with the facts in either of these two cases, would agree that the lawsuits were not frivolous.

# Special service district reaches deal to mitigate odor in Pleasant Grove

- Laura Giles Correspondent
- Apr 17, 2016 Updated Nov 7, 2016
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**Machinery grinds** up green waste for composting on Tuesday, Nov. 24, 2015 at the Timpanogos Special Service District in American Fork. SPENSER HEAPS, Daily Herald  
Spenser Heaps, Daily Herald

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Pleasantness will be returning to Pleasant Grove.

That is the hope of city leaders, area residents and business owners now that they will experience a gradual decrease of an unpleasant odor that has been the subject of much discussion and debate for many years.

The Timpanogos Special Service District (TSSD) and the Citizens for Clean Air and Progress (CCAP) have reached an agreement that TSSD will phase out its composting operations that border Pleasant Grove during the next five years. TSSD provides wastewater treatment for northern Utah County cities.

The plant also has a composting operation from which it sells the compost to be used for gardens and landscaping. The compost is made from green waste and by-products from the sewer treatment plant.

“The compost is a very popular program,” said Jon Adams, TSSD general manager.  
“We sold out time after time.”

During the next five years, TSSD will continue to look into other disposal options. While composting off site is not cost effective, it might work in a partnership with another entity, Adams said.

He said TSSD has tried to do things to minimize the odor, including using covers over the compost and mixing at night. But the odor is still there, according to the members of CCAP.

In 2012, Pleasant Grove city officials joined area businesses in the CCAP with the goal of stopping the composting operations, which they said emitted the undesirable odor.

“CCAP has been seeking the cessation of composting operations by TSSD,” reads a press release from Pleasant Grove city officials. “TSSD acknowledges composting would eventually cease due to the need for future plant expansion and agrees to the phasing out of composting over the next five years.”

According to Adams, the property on which the composting is done will be needed in the future for expansion of the wastewater treatment facility.

Initially, CCAP was suing for financial damages on top of cessation of composting, according to Scott Darrington, Pleasant Grove's city administrator.

“As we were preparing for trial in October 2015, we were able to reach a settlement with TSSD,” he said. “The settlement reached was that each entity would cover their own legal costs and that there wouldn’t be any damage assessed.”

The settlement also requires that the composting will stop in the next five years.

City officials in Pleasant Grove have been concerned the odor may be deterring business development in the city.

“We had some businesses that expressed major concerns,” Darrington said. “We had some businesses that decided to locate in Pleasant Grove when they knew we were suing TSSD to have the composting removed. They were hopeful, like us, that it would eventually be removed.”

Now CCAP and Pleasant Grove City officials are looking forward to continued economic growth and future development in the area. TSSD is located at 6400 N. 5050 West in Utah County, just southwest of the Pleasant Grove city border.

# **Stench from compost production prompted complaints, now changes in the works**

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by DJ Bolerjack  
Monday, April 18th 2016

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Volume 90%







*Stench from compost production prompted complaints, now changes in the works (Photo: DJ Bolerjack / KUTV)*

Pleasant Grove — (KUTV) After nearly three years, some by in Pleasant Grove have complained of a stench coming from the compost site in the Timpanogos special service district.

Recently, following serious discussion and a lawsuit, the district agreed to a compromise that will mitigate that odor in the near future.

Pleasant Grove City officials said those being effected by this smell are incoming contractors and businesses looking to start up on empty development which is mostly located off Interstate 15 and Pleasant Grove Boulevard.

"They would smell the compost from time to time and that was causing them to look elsewhere," said Scott Darrington, City Administrator and

representative for Citizens for Clean Air and Progress. He said in the past the smell has caused illness so something had to be done.

"We should be able to have nice clean fresh air and that was causing some problems."

Jon Adams, the District Manager, said over the last few years they've dealt with a lawsuit over this problem. Now, after the judge dealing with the lawsuit dismissed the damages, a five year plan was developed that Adams said will benefit both sides.

"We would agree to phase out of compost in the next five years. It doesn't do us any good to be at odds with the people we serve."

"The future economic development of our city has taken precedence over them," Darrington said.

*Follow D.J. Bolerjack on Twitter [@DJBolerjack](https://twitter.com/DJBolerjack) for breaking news, updates and more.*

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

## **Rule R315-312. Recycling and Composting Facility Standards.**

As in effect on January 1, 2020

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- [R315-312-3. Composting Requirements.](#)
- [R315-312-4. Requirements for Use on Land of Sewage Sludge, Woodwaste, and Other Organic Sludge.](#)
- [KEY](#)
- [Date of Enactment or Last Substantive Amendment](#)
- [Notice of Continuation](#)
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### **R315-312-1. Applicability.**

(1) The standards of Rule R315-312 apply to any facility engaged in recycling or utilization of solid waste on the land including:

(a) composting;

(b) utilization of organic sludge, other than domestic sewage sludge and septage, and untreated woodwaste on land for beneficial use; and

(c) accumulation of wastes in piles for recycling or utilization.

(2) These standards do not apply to:

(a) animal feeding operations, including dairies, that compost exclusively manure and vegetative material and meet the composting standards of a Comprehensive Nutrient Management Plan;

(b) other composting operations in which waste from on-site is composted and the finished compost is used on-site; or

(c) hazardous waste.

(3) These standards do not apply to any facility that recycles or utilizes solid wastes solely in containers, tanks, vessels, or in any enclosed building, including buy-back recycling centers.



(4) The composting of domestic sewage sludge, on the site of its generation, is exempt from the requirements of Rule R315-312 but is regulated under the applicable requirements of Rule R317-8 and 40 CFR 503 by the Utah Division of Water Quality.

## **R315-312-2. Recycling and Composting Requirements.**

(1) Any recycling or composting facility shall meet the requirements of Section R315-302-2, and shall submit a general plan of operation and such other information as requested by the Director prior to the commencement of any recycling operation.

(2) Each applicable recycling or composting facility shall submit a certification that the facility has, during the past year, operated according to the submitted plan of operation to the Director by March 1 of each year.

(3) Any facility storing materials in outdoor piles for the purpose of recycling shall be considered to be disposing of solid waste if:

(a) at least 50% of the material on hand at the beginning of a year at the facility has not been shown to have been recycled by the end of that year and any material has been on-site more than two years unless a longer period is approved by the Director; or

(b) ground water or surface water, air, or land contamination has occurred or is likely to occur under current conditions of storage.

(c) Upon a determination by the Director or his authorized representative that the limits of Subsection R315-312-2(3)(a) or (b) have been exceeded, the Director may require a permit application and issuance of a permit as a solid waste disposal facility.

(4) Any recycling or composting facility may be required to provide financial assurance for clean-up and closure of the site as determined by the Director.

(5) Tires stored in piles for the purpose of recycling at a tire recycling facility shall be subject to the requirements of Section R315-314-3.

## **R315-312-3. Composting Requirements.**

(1) No new composting facility shall be located in the following areas:

(a) wetlands, watercourses, or floodplains; or

(b) within 500 feet of any permanent residence, school, hospital, institution, office building, restaurant, or church.

(2) Each new compost facility shall meet the requirements of Subsection R315-302-1(2)(f)

(3) Each owner or operator of a composting facility, in addition to the operational plan required in Subsection R315-312-2(1), shall develop, keep on file, and abide by a plan that addresses:

(a) detailed plans and specifications for the entire composting facility including manufacturer's performance data for equipment;

(b) methods of measuring, grinding or shredding, mixing, and proportioning input materials;

(c) a description and location of temperature and other types of monitoring equipment and the frequency of monitoring;

(d) a description of any additive material, including its origin, quantity, quality, and frequency of use;

(e) special precautions or procedures for operation during wind, heavy rain, snow, and freezing conditions;

(f) estimated composting time duration, which is the time period from initiation of the composting process to completion;

(g) for windrow systems, the windrow construction, including width, length, and height;

(h) the method of aeration, including turning frequency or mechanical aeration equipment and aeration capacity; and

(i) a description of the ultimate use for the finished compost, the method for removal from the site, and a plan for the disposal of the finished compost that can not be used in the expected manner due to poor quality or change in market conditions.

(4) Composting Facility Operation Requirements.

(a) Operational records must be maintained during the life of the facility and during the post-closure care period, which include, at a minimum, temperature data and quantity and types of material processed.

(b) All waste materials collected for the purpose of processing must be processed within two years or as provided in the plan of operation.

(c) All materials not destined for processing must be properly disposed.

(d) Turning frequency of the compost must be sufficient to maintain aerobic conditions and to produce a compost product in the desired time frame.

(e) During the composting process, the compost must:



(i) maintain a temperature between 104 and 149 degrees Fahrenheit (40 and 65 degrees Celsius) for a period of not less than five days; and

(ii) reach a temperature of not less than 131 degrees F (55 degrees C) for a consecutive period of not less than four hours during the five day period.

(f) The following wastes may not be accepted for composting:

(i) asbestos waste;

(ii) Hazardous waste;

(iii) waste containing PCBs; or

(iv) treated wood.

(g) Any composting facility utilizing municipal solid waste, municipal sewage treatment sludge, water treatment sludge, or septage shall require the generator to characterize the material and certify that any material used is nonhazardous, contains no PCB's, and contains no treated wood.

(h) If the composting operation will be utilizing domestic sewage sludge, septage, or municipal solid waste:

(i) compost piles or windrows shall be placed upon a surface such as sealed concrete, asphalt, clay, or an artificial liner underlying the pile or windrow, to prevent contamination of subsurface soil, ground water, or both and to allow collection of run-off and leachate. The liner shall be of sufficient thickness and strength to withstand stresses imposed by compost handling vehicles and the compost itself;

(ii) run-off systems shall be designed, installed and maintained to control and collect the run-off from a 25-year storm event;

(iii) the collected leachate shall be treated in a manner approved by the Director; and

(iv) run-on prevention systems shall be designed, constructed, and maintained to divert the maximum flow from a 25-year storm event.

(i) If the Director determines that a composting operation, which composts materials other than domestic sewage sludge, septage, or municipal solid waste, is likely to produce a leachate that in combination with the hydrologic, geologic, and climatic factors of the site will present a threat to human health or the environment, the Director may require the owner or operator of the composting facility to meet the requirements specified in Subsection R315-312-3(4)(h).

(j) The finished compost must contain no sharp inorganic objects and must be sufficiently stable that it can be stored or applied to land without creating a nuisance, environmental threat, or a hazard to health.

(5) Composting Facility Closure and Post-closure Requirements.

(a) Within 30 days of closure, a composting facility shall:

(i) remove all piles, windrows, and any other compost material on the composting facility's property;

(ii) remove or revegetate compacted compost material that may be left on the land;

(iii) drain ponds or leachate collection system if any, back-fill, and assure removed contents are properly disposed;

(iv) cover if necessary; and

(v) record with the county recorder as part of the record of title, a plat and statement of fact that the property has been used as a composting facility.

(b) The post-closure care and monitoring shall be for five years and shall consist of:

(i) the maintenance of any monitoring equipment and sampling and testing schedules as required by the Director; and

(ii) inspection and maintenance of any cover material.

### **R315-312-4. Requirements for Use on Land of Sewage Sludge, Woodwaste, and Other Organic Sludge.**

(1) Any facility using domestic sewage sludge or septage on land is exempt from the requirements of Section R315-312-4 when the facility has a permit or other approval under the applicable requirements of Rule R317-8 and 40 CFR 503 issued by the Utah Division of Water Quality.

(2) Any facility using organic sludge, other than domestic sewage sludge or septage, or untreated woodwaste on land shall comply with the recycling standards of Section R315-312-2.

(3) Only agricultural or silvicultural sites where organic sludge or untreated woodwaste is demonstrated to have soil conditioning or fertilizer value shall be acceptable for use under this subsection, provided that the sludge or woodwaste is applied as a soil conditioner or fertilizer in accordance with accepted agricultural and silvicultural practice.

(4) A facility using organic sludge or untreated woodwaste on the land in a manner not consistent with the requirements of Section R315-312-4 must meet the standards of Rule R315-307.

## KEY

solid waste management, waste disposal

## Date of Enactment or Last Substantive Amendment

April 25, 2013

## Notice of Continuation

January 12, 2018

## Authorizing, Implemented, or Interpreted Law

19-6-105; 19-6-108

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## Additional Information

### CONTACT

For questions regarding the *content* or *application* of rules under Title R315, please contact the promulgating agency (Environmental Quality, Waste Management and Radiation Control, Waste Management). A list of agencies with links to their homepages is available at <http://www.utah.gov/government/agencylist.html> or from <https://rules.utah.gov/help-rules-who-to-contact/>.



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Fw: Logan City Human Waste Compost site - Benson Utah**

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Clara Donna &lt;cobra84321@yahoo.com&gt;

Mon, Feb 22, 2021 at 10:25 AM


To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

----- Forwarded Message -----

**From:** Clara Donna <cobra84321@yahoo.com>**To:** [devservices@cachecounty.org](mailto:devservices@cachecounty.org) <[devservices@cachecounty.org](mailto:devservices@cachecounty.org)>**Sent:** Saturday, February 20, 2021, 10:49:49 AM MST**Subject:** Logan City Human Waste Compost site - Benson Utah

Dear Members of the Planning and Zoning,

We are Nathan W. and Elaine Ricks, we live in Benson, Utah in close proximity to where the proposed Compost site is. We are opposed to this site being built in Benson. We have been greatly concerned about this facility being built her in our beautiful Benson, Utah. In our research, we have found the following article online and would ask that you would distribute it to all the members of the Commission. Thank you.

 Compost company sued for \$425 million over smell in Utah County

## Compost company sued for \$425 million over smell in Utah County

By Sam Penrod | Posted - May 23, 2012 at 7:05 p.m.

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 10 photos

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108

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This archived news story is available only for your personal, non-commercial use. Information in the story may be outdated or superseded by additional information. Reading or replaying the story in its archived form does not constitute a republication of the story.

AMERICAN FORK — A new lawsuit claims a compost facility in Utah County has or will cause \$425 million dollars in damages to business in the area because of the smell.

Most of the complaints are coming from an office complex about a half-mile north of the publicly-owned compost facility and wastewater treatment plant. The property owner and nearby cities are filing a lawsuit over what they call a foul smell.

It has a reputation as the best compost around, to help your flowers grow and the vegetables in your garden to flourish-but for the neighbors of the Timpanogos Special Service District, the odor from the compost piles, is at times too much.

"When the wind blows in the wrong direction, I get emails, I get phone calls and we've been promised so many times this is going to stop," said developer Mark Robinson.

When the wastewater plant was built, it was in an open area, far away from any business. But over the past decade, businesses and office complexes have sprouted closer to the plant, which composts human waste with tree limbs and other green waste.

""The problem that we have now is that we have stigma that it smells in American Fork and Pleasant Grove and therefore we are having a difficult time getting new tenants and some of our larger tenants, if we don't fix this problem, they are not going to renew." Mark Robinson"

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"The problem that we have now is that we have stigma that it smells in American Fork and Pleasant Grove and therefore we are having a difficult time getting new tenants and some of our larger tenants, if we don't fix this problem, they are not going to renew," Robinson said.

The irony is that those suing the facility are also partners in it. But American Fork and Pleasant Grove cities say they can't get the other municipalities to stop the composting, which they claim is costing them millions in lost tax revenue.

"When the wind blows or things smell, it moves right into Pleasant Grove and into American Fork, and that becomes our issue," said Pleasant Grove City administrator Scott Darrington.

The facility operator said \$16 million have been invested to improve the composting process, which helps to dispose of human waste.

The \$425 million dollar lawsuit may just be an attention getter to stop the facility from composting on this site. The plaintiffs want the composting to be moved to a different location, or have the human waste hauled to the landfill.

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## PHOTOS

Photo 1 of 10

placeholder



RELATED STORIES

Something's rotten in the west of Salt Lake Valley, resident says

**Something's rotten in the west of Salt Lake Valley, resident says**

Scott Woodruff, a proud West Valley City resident, is taking on the horrific stench that often fouls his air.





Angie Zetterquist <angie.zetterquist@cachecounty.org>

---

## Opposition to Benson sludge Pond

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**brent ballard** <brentpigs5@gmail.com>  
To: angie.zetterquist@cachecounty.org

Mon, Feb 22, 2021 at 12:00 PM

Hi angie,  
Thank you for your time in this matter. I live in Benson and it saddens me to see that we are being looked at to become Logan's dump yard. If I'm not mistaken, there are several creeks in that area and the water table is high. Would this not contaminate the water with human waste? There are many reasons to not build this. Benson residents are furious about this. Please protect us from this project. Thank you.



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Oppose rezone toilet bowl**

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**Aurelia Hyer** <cahyer@yahoo.com>  
To: angie.zetterquist@cachecounty.org  
Cc: Aurelia Hyer <cahyer@yahoo.com>

Mon, Feb 22, 2021 at 1:52 PM

There are so many other places to do this rezone, we can't even use it plus we are paying for it. How unfair to dump this on us, without conceding the people of Benson. We already get the smell at times. We should have a lot of say, would you like this in your back yard?

There is a lot of young families with beautiful new homes, with lots of young children living out here. I'm retired, my husband and I have poor health, we do not need more problems put on us or our neighbours. We have high water tables and flood quite often, then have poop water coming in our basement? Please consider a place not close to homes and children.

Sincerely,  
Aurelia Thatcher Hyer



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Compost facility in Benson**

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**Laurinda Billings** <laurinda001@netscape.net>

Tue, Feb 23, 2021 at 8:52 PM

To: angie.zetterquist@cachecounty.org

To whom it may concern,

I am a resident of Benson and I want to express my opinion of the compost facility being placed in Benson. This community is well loved and treasured by its residents and certainly DO NOT want a sewer plant to contaminate the air! It is a beautiful place and building such a putrid smelling facility in Benson is appalling! We in Benson do not want to be Cache valley's toilet now or in the future! Please cancel the project and allow us to live here without the horrendous odor that would come with the sewer plant.

Sincerely,

Mrs. Laurinda Billings

Concerned Benson resident

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Fwd: Logan City Requested rezone on 3200 West for composing facility**

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**Paul Johnson** <paulj@cachebroadband.com>  
To: angie.zetterquist@cachecounty.org

Mon, Feb 22, 2021 at 10:03 AM

Sent from my iPhone

Begin forwarded message:

**From:** Paul Johnson <paulj@cachebroadband.com>  
**Date:** February 21, 2021 at 12:37:21 PM MST  
**To:** devservices@cachecounty.org  
**Subject:** Logan City Requested rezone on 3200 West for composing facility

We live in Benson at [3780 W 3000 N](#). We don't want another smelly Logan City operation near our homes. We already have the sewer lagoons and finishing lagoons Logan City owns near us. We get enough bad odor and insect swarms from those facilities. There are other places farther from homes and roadways that can be used as not to impact neighborhoods with bad odor and insect infestation. We already have enough of Logan City's impacts here. The impacts devalue our property and effect our lives. There are State Laws regulating odor. Would you want this near your home? Let them look for a better location, don't just look at their best cost benefit for the city. Make them take some responsibility.

This operation will also effect wetlands and a nearby stream. A drier area would be much better for the environment, fowl and wildlife.

Paul and Debra Johnson.

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**(no subject)****DeAnna Shaw** <deannaleeshaw@gmail.com>

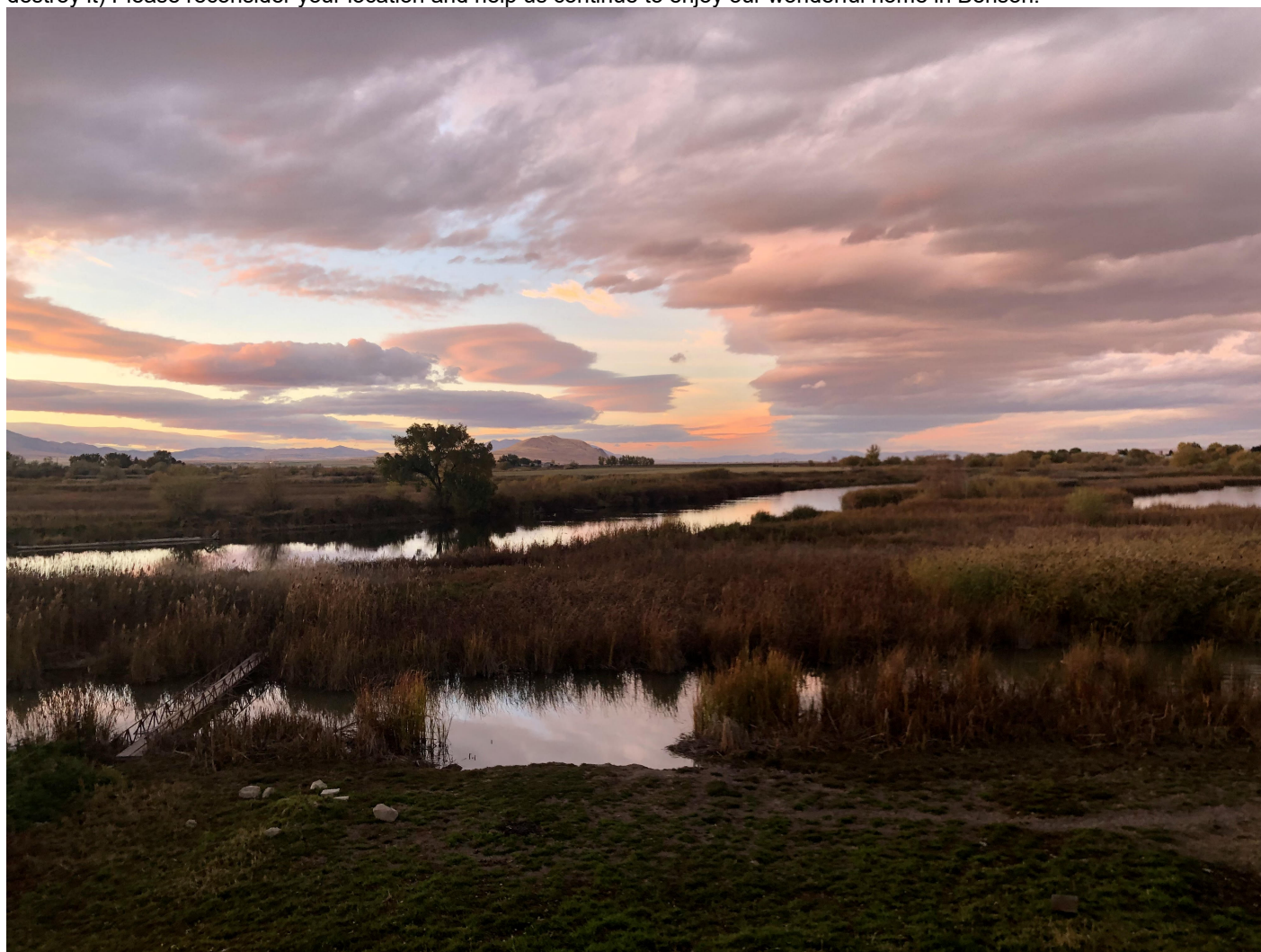
Tue, Feb 23, 2021 at 6:02 PM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

Hello. I have recently heard about the compost facility being proposed close to my home. I have concerns about health, smell and property values that would take place if such a place were put in.

I find it crazy as well that we are being charged extra to help pay for it! We spent thousands of dollars to put in our own drain field in our yard and now we are paying for a facility we will never use, but instead will throw all the crap in our neighborhood. Ha ha ha. It's absolutely crazy.

We live in such a beautiful area, it would be such a shame to destroy it with something like this. (And yes, the smell would destroy it) Please reconsider your location and help us continue to enjoy our wonderful home in Benson.



Sincerely, DeAnna Shaw

--

**DeAnna Shaw**



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Human waste rezone in Benson**

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**Lorie Ballard** <ljbballard79@gmail.com>

Mon, Feb 22, 2021 at 12:34 PM

To: angie.zetterquist@cachecounty.org

To whom it may concern:

I am writing to oppose the plan to realign boundaries for the composting of human waste. I am a resident of Benson, UT and I am opposed for the following reasons:

1. Logan city dumping their problems onto outlying farm land cities and territories.
2. Property values decreasing due to the smell.
3. Smell and health risks associated with human waste leaching into ground water and other unforeseen issues.
4. Proximity to existing homes.
5. Increase in pests and vermin.
6. Toxic chemicals used in the process.

Please take into consideration the opinions of the property owners in the Benson area before moving on this matter.

Sincerely,

Riley and Lorie Ballard  
-Benson Property owners and residents

Sent from my iPhone





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Letter to Planning & Zoning Commission re: Compost site in Benson**

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**Katie Fuller** <katiefuller10@gmail.com>

Mon, Feb 22, 2021 at 10:58 AM

To: angie.zetterquist@cachecounty.org

Dear Commissioners,

My name is Katie Fuller and I live in Benson, Utah. I am opposed to the rezone of 47 acres in Benson that Logan City is seeking for their new composting facility. I have many objections, but the main one is I don't understand why this is Benson's problem! The biosolids that will be added to the compost do not come from Benson at all--we all have septic tanks and will not contribute to the waste. Logan City should keep their waste on their own land, not pawn it off for others to smell and deal with. Logan City claims they have nowhere else to put their new composting facility, but that is just an excuse. We all know they own lots of land. They are placing their problems on your shoulders, which isn't right.

I have obvious concerns about the stench that will pervade Benson if this rezone is allowed to happen. Property values will plummet in Benson. Benson is next in line for future growth, as the city creeps further west. But once people build here they will realize their fatal mistake and have to sell at a loss.

In Utah County, Timpanogos Special Service District was sued for \$425M because of the stink created from human waste composting (or humanure). Here are some links to some articles detailing the damages done to citizens and business:

[https://www.heraldextra.com/news/local/lawsuit-over-sewer-stink-alleges-425m-in-damages/article\\_32b1c445-9c77-5566-afb7-4389097cf891.html](https://www.heraldextra.com/news/local/lawsuit-over-sewer-stink-alleges-425m-in-damages/article_32b1c445-9c77-5566-afb7-4389097cf891.html)

<https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1053&context=marriottstudentreview>

I will be informing as many people as possible about the toxic nature of "humanure". My hope is to eliminate the market in Cache Valley for this human waste compost. There are more than 80,000 manmade chemicals that are flushed down toilets each day and end up in biosludge. The biosludge is not tested for these chemicals and they are not removed before they are composted. Composting does not clean them out, so they are spread on gardens and fields. They are then eaten by humans or animals (who are then eaten by humans) and those concentrated chemicals will make people sick. Here is a link to an article explaining this:

<https://www.theguardian.com/environment/2019/oct/05/biosolids-toxic-chemicals-pollution>

Additionally, the 47 acres in Benson are probably wetlands and sit right next to a waterway that drains into Cutler Reservoir. I know Logan City intends to contain runoff, but it is incredibly wet out here and that will be very difficult to accomplish. Trust me--we all squish around in our yards and fields every spring! We sump pump water out of our crawl spaces every single spring.

If Logan City wants to compost human waste, they should do it far, far away from homes, farms, and businesses. Please vote no on the rezone!

Thank you for your time and consideration,

Katie Fuller



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Benson Compost facility**

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**R Johnson** <randykay700@live.com>

Mon, Feb 22, 2021 at 1:12 PM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

My name is Randy Johnson and I reside in Benson, Utah. I am strongly opposing the proposed rezoning of 47 acres in Benson for a composting facility for Logan City. I don't want our property values negatively effected and don't want the horrible smell as I travel that road daily for work and commuting. The ground water will be affected by contamination, the wetlands destroyed, the cache valley hunter education complex negatively affected and safety hazards in the extremely dense fog situations. I think there many important reasons this human waste should be moved to an area where it doesn't negatively affect the environment and safety of Benson residents and visitors.

Sent from [Mail](#) for Windows 10



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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## Rezone for Human Waste Composte Site

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Pam Hyde &lt;phyde09@gmail.com&gt;

Mon, Feb 22, 2021 at 11:41 AM

To: angie.zetterquist@cachecounty.org

My name is Pamela Hyde and I live in Benson, Utah. I'm writing to say I am extremely opposed to the rezone of 47 acres here in Benson for a human compost facility for Logan City.

#1- the area is PROTECTED WETLANDS and under Utah STATE CODE R315-312 it is PROHIBITED TO HAVE SUCH A FACILITY ON PROTECTED WETLANDS!

#2- It is known that human waste composting makes people sick and has many harmful chemicals. A company in Utah County was sued for their facility making citizens in American Fork and Pleasant Grove sick. The citizens also won that lawsuit and the company can now no longer use human waste.

#3- There are PLENTY of other areas INSIDE LOGAN CITY where they can place this facility.

I ask this question. If Logan City does not want this type of facility in their city, or their citizens to smell & become ill from their own waste; what in the world makes you think the residents in Benson want to smell or become sick from it? I have lived in Benson since 2007, moving here from my hometown of Lewiston, UT. I chose Benson because, like Lewiston, is a small country close knit farming community with clean open ares perfect for raising my three children. It is bad enough that Cache County has some of the worst air quality in winter months which highly effect my 11 year old daughter's breathing. To add a disgusting composting facility that is KNOWN to make people sick on top of that?! Especially when Logan City apparently does not want it in their backyard and wants to make others in their community sick?! It is just wrong and highly immoral.

I am urging you all to ponder this and to reconsider this kind of facility being placed here in Benson, let alone anywhere in our beautiful Cache County.

Thank You for your time.

Sincerely,  
Pamela Hyde



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Keep Benson Beautiful**

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**Susan Curtis** <sandys.haven2018@gmail.com>

Mon, Feb 22, 2021 at 10:18 AM

To: angie.zetterquist@cachecounty.org

Cc: devservices@cachecounty.org

My name is Susan Curtis. My board and I operate a nonprofit animal sanctuary and wildlife rehabilitation center and do business with many residents of Benson, Utah.

We are opposed to the rezoning of 47 acres in Benson for a compost facility for Logan City.

This is agricultural land with protected wetland. The impact of allowing a human waste composting operation in this beautiful area would be devastating to everyone involved especially the wildlife!

Thank you for your consideration,

Susan Curtis, Director Sandy's Haven

Kyle Walker, VP Sandy's Haven

Josh Merrill, Treasurer Sandy's Haven

Carolyn Gunter, Board Member

Cindy Gill, Board Member

Kathy Ashcroft, Board Member

Patrick Huffcutt, Board Member

Miguel Sanchez, Board Member

Jody Curtis, Operations Manager Sandy's Haven (not board member)



Angie Zetterquist <angie.zetterquist@cachecounty.org>

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## Human Waste Facility

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**Lindsay Hull** <lrhull44@gmail.com>  
To: angie.zetterquist@cachecounty.org

Wed, Feb 24, 2021 at 9:48 AM

Dear Angie,

I am a resident of Benson, UT and I speak for the rest of my family of six members, we do not want a human waste facility in our community or the surrounding areas. Please take my feelings as well as my family's feelings in consideration when deciding on this proposal. We are adamantly against it. It doesn't make sense to place such a project near residential areas.

Thank you for your time.  
Lindsay Hull



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

---

**Vote no to rezoning for composting site.**

---

Trevor M. &lt;trevormaughan@hotmail.com&gt;

Wed, Feb 24, 2021 at 10:21 AM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;, "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

*Good morning,**I am emailing regarding the new composting site that logan city is trying to build. I personally live and grown up in and around Benson. There is no solid proof that will prove the plant will be safe or not. I, just like everyone else, would want their kids to grow up healthy and safe. The food we eat is already getting treated with stuff that can harm us, we do not need a plant that will be causing greater harm to everyone. The studies that relate to composting sludge sites show numerus problems. Not to even mention the smell that would come from the plant. Yes, Logan City has already established sewage ponds in Benson. That smell can be violent already. There is a lot of hunters and ranchers that use that land for their lifestyle. Increasing the zoning for this plant would hinder both of those groups. Further taking away food from our own families. In Benson and surrounding towns, the water table is higher than other places hence all the flooding. With a sewage treatment/composting plant how would this effect the water supply for the entire county? Would you want your family eating food that has been watered, treated, and grown in sewage sludge? These are not just my concerns but also everyone else that lives in and around the valley, or at least the ones that will be affected by it.*

Very Respectfully,

Trevor Maughan

Cell#: 435-757-3394





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Rezoning of a 47 acer piece of ground in Benson Utah by Logan City for the purpose of human waste composting**

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**Dean Ricks** <dricks154@gmail.com>  
To: angie.zetterquist@cachecounty.org

Thu, Feb 25, 2021 at 9:23 AM

February 25, 2021  
Development Services of Cache County.

To whom it may concern.

We live in Benson Utah, Cache County.

We are Vehemently opposed to the pur-posed rezoning of 47 acer"s of Ag land in Benson by Logan City for the purpose of building a Human Waste Composting Site in Benson around the 3200 West area.

Were very opposed to the stench, concerns of health and safety, and property devaluation of such sites.

We've studied other projects similar to this in Utah and around the country and prefer not to be involved in litigation associated before or after the fact.

Again we are Vehemently opposed along with all of our good friends and neighbors living in Benson and the surrounding area.

Respectfully hear our concerns and respect our desire to live in the Beautiful Benson community without the concerns of illnesses, stench, health and safety and property devaluation associated with such sites.

Dean & Linda Ricks [3900 West 3000 North Benson Utah](#)

Abhishek & Brittney Ajri [3872 West 3000 North Benson Utah](#)



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Opposed to 47 acre rezone**

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**BILL CHAMBERS** <yamfamchambers@yahoo.com>  
To: angie.zetterquist@cachecounty.org

Mon, Mar 1, 2021 at 7:32 AM

My name is Kristy Chambers and I live in Benson, Utah, 1 mile from the proposed rezone. I would like to say I am opposed to the rezone of 47 acres in Benson for a compost facility for Logan City.

It is very concerning to have it in our area. Most springs, we get rapid snow melt which floods the area. I don't think having human waste compost floating around while waiting for it to become 50 degrees is going to work. It is very concerning to me also that it will sit most of the winter because the weather is not going to get warm enough to be able to compost your human poop. You say it will be a little smell but I think it is going to be more than a little smell. I walk by this land almost everyday. I drive past it to go to work. Please put it in another area. Designate this land wet lands and move it closer to your facility. You would save money not having to haul it so far, which brings up another issue. The valley view is a busy sometimes dangerous road. There is no turn lane to turn down 3200 west. You put yourself in danger making the turn. The side has many pot holes that no one seems to want to fix. This road would become even more dangerous with all the equipment hauling the debris to the facility.

Please use another way to get rid of this waste. There are more options than just this one that we heard at the meeting. We shouldn't have to pay for something that we don't use.

Thank you, Kristy Chambers

[Sent from Yahoo Mail for iPhone](#)



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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## Proposed Benson Compost Site

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**Paul Higley** <paulhigleyconstruction@yahoo.com>

Sun, Feb 28, 2021 at 11:50 AM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;, "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

My name is Paul Higley and I live in Benson, UT. I am opposed to the rezone of 47 acres in Benson for a compost facility. Living less than two miles from the proposed site is a huge concern to me. Benson is mostly wetlands. Do we really want this contaminating not only the river but our wells and irrigation water? Shouldn't there be some kind of impact study done before this can be approved? There is no way this won't leach into the soil.

This is Logan City's waste. Why isn't it being kept in Logan City? Benson is not Logan City's dumping ground.

Our properties will lose value and the smell will be atrocious. Not to mention the risk for disease

Sincerely,  
Paul Higley  
[3105 N 3200 W](#)  
[Benson UT 84335](#)



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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## Rezone

pkhigley@juno.com <pkhigley@juno.com>

Sun, Feb 28, 2021 at 11:45 AM

To: angie.zetterquist@cachecounty.org, devservices@cachecounty.org

My name is Kari Higley and I live in Benson, UT. I am opposed to the rezone of 47 acres in Benson for a compost facility. Living less than two miles from the proposed site is a huge concern to me. Benson is mostly wetlands. Do we really want this contaminating not only the river but our wells and irrigation water? Shouldn't there be some kind of impact study done before this can be approved? There is no way this won't leach into the soil.

This is Logan City's waste. Why isn't it being kept in Logan City? Benson is not Logan City's dumping ground.

Our properties will lose value and the smell will be atrocious. Not to mention the risk for disease

Sincerely,  
Kari Higley  
[3105 N 3200 W](#)  
[Benson UT 84335](#)

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To Whom It May Concern:

I am writing to express my concern with cash counties intent to use 47 acres in Benson UT to dispose of human waste. I am a resident of Benson and am opposed to this proposal. Our groundwater in Benson is very high, and the field that has been proposed for use has standing water on it at various times during the year. The area also serves as a bird refuge for several different species of birds throughout the year. How will this proposal affect the well-being of the bird population - most importantly the reproduction? Other concerns include livestock that waters close to the proposed site and seepage into Cutler reservoir.

My family moved to Cache County six years ago. We moved from Tooele County, who uses a similar process for disposing of human waste. Our home was approximately 5 miles from the site where human waste was dumped but the smell was still overwhelming. On the day of the dump, you could smell it with the house windows open. If the wind happened to be blowing, this dent was so unbearable we would be unable to do anything in the yard or have the house windows open. Our home here in Benson is less than two miles from the proposed site.

Spanish Fork also pushed through a similar disposal method and was met with strong resistance from citizens. They have since negotiated and can no longer dump and had to have the site cleaned up by the end of last year. I urged the council to learn From Spanish fork.

In conclusion, I ask you to consider the impact this decision will have on the environment, the community of Benson. Consider your reaction if this was your backyard.

Thank you,

Kym McClimans  
3980 W 3000 N  
Benson, UT 84335  
(435) 830-2919  
kymdmc@gmail.com



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Logan City Rezone for composting on 3200 West near Benson**

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**Paul Johnson** <1paulj2000@gmail.com>  
To: angie.zetterquist@cachecounty.org

Sat, Feb 27, 2021 at 11:32 AM

My name is Margaret Lofthouse. I live at 4064 W 3000 N in Benson. I oppose the rezone on 3200 West for human waste composting. Composting of human waste would give off a very bad odor not compatible near a residential area. It would also be a haven for many insects. The reason we have zoning is to keep these types of processes away from where people live and work. Rezoning should not go against what communities want. They can put this on top of the old landfill they are closing. In the community generating the waste. Or somewhere away from communities all together.

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Objection to Benson Rezone for Compost Facility**

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**Cameron Looney** <cameron.t.looney@gmail.com>  
To: angie.zetterquist@cachecounty.org

Mon, Mar 1, 2021 at 11:45 AM

To Whom It May Concern,

We live in Benson Utah, Cache County. I would like to add my family's objections to the many other objections undoubtedly already noted to the rezoning and repurposing of land in Benson for creation of a composting site.

We are Vehemently opposed to the purposed rezoning of 47 acer"s of Ag land in Benson by Logan City for the purpose of building a Human Waste Composting Site in Benson around the 3200 West area. We present the following concerns:

1. There is a real concern for health and safety for the surrounding community, especially housing that would be adjacent to the proposed site. We've studied other projects similar to this in Utah and around the country and found that sites such as this located as close to neighborhoods as proposed by Logan City not only create unwanted smells, but more importantly foster true health concerns for families that live nearby.
2. We prefer not to be involved in litigation associated before or after the fact. It is our opinion that such litigation is a waste of time for the City and all parties involved.
3. Surely there are other sites in Cache Valley that are less populated and more suited to this type of facility. Less populated sites would decrease any risk of health issues now and in the future as the valley continues to grow.
4. The proposed site is at the gateway to Benson, a beautiful part of Cache Valley. Do we really want visitors to Benson and Cache Valley get this composting facility as a first impression? What if we were to build a composting facility in Wellsville, right as visitors enter the valley? Or what if we were to build this facility at one of the vacant lots on the south end of Logan where visitors to Logan would see this first. What kind of impression does that make to the tourism industry that is a \$11+ million dollar annual revenue to Cache Valley?

Again we are Vehemently opposed along with all of our good friends and neighbors living in Benson and the surrounding area.

Respectfully hear our concerns and respect our desire to live in the Beautiful Benson community and keep Beautiful Downtown Benson clean and appealing without the concerns of illnesses, stench, health and safety and property devaluation associated with such sites.

Thank you for your consideration,

Cameron and Nicole Looney

435-232-6559  
[cameron.t.looney@gmail.com](mailto:cameron.t.looney@gmail.com)





TO: Cache County Planning Commission

RE: Support Conditional Use Permit for Biosolids Composting

Date: March 1, 2021

The Board of Trustees of the Bridgerland Audubon Society supports approval of a Conditional Use Permit for the City of Logan Biosolids Composting Facility. Composting is a beneficial recycling of processed waste product from the mechanical Wastewater Treatment Facility. The dewatered biosolids have already been “digested” by beneficial microbes in the wastewater treatment process, and composting this product with two parts wood chips makes a marketable product. The disposal alternative would be far less desirable from economic and environmental perspectives, and would emit more methane.

The Sierra Club is opposed to the surface application of sludge,\*\*\* so the composting facility is a much better choice than surface application at the Polishing Ponds property, and composting will emit far fewer gasses such as methane. Also, the 460 acres of Sewage Lagoons will no longer process raw sewage, which will reduce odors in the valley.

Composting and sale of biosolids has been a standard practice for nearly a century: Milorganite, sold nationwide in Box Stores, was named in a contest in 1925, and is a portmanteau for the term Milwaukee Organic Nitrogen.

The Conditional Use Permit to establish the City of Logan Biosolids Composting Facility is the most environmentally sound option, resulting in recycling rather than disposal, and, importantly, less release of methane.

Sincerely,

*Hilary C.F. Shughart*

Hilary C. F. Shughart, President

Bridgerland Audubon Society

Protecting the Nature of Utah for people and wildlife.

\*\*\*Ban Surface-Application of Sludge, especially on Grazing Pastures, March 4, 2016

<https://content.sierraclub.org/grassrootsnetwork/documents/ban-surface-application-sludge-especially-grazing-pastures>



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Human Waste Composting Facility Proposal

1 message

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**Kimber Johnson** <ksjohnson1000@gmail.com>

Mon, Mar 1, 2021 at 6:20 PM

To: devservices@cachecounty.org

Benson is a community rich with farming and outdoor recreation. It is not a place of indoor offices with controlled environments and air purifiers. We and the people who come here to enjoy the beauties and resources of the great outdoors work and recreate outside. Besides the many farmers that live and work here, our community has been a popular destination for hunting, fishing, birdwatching, cyclists, and watersports including boating, waterskiing, canoeing and kayaking, etc., for generations. All done in the great outdoors. This adds a great and important depth to the quality of life and enjoyment that comes from living in this beautiful valley not only for the residence of Benson, but for all who come here to relax and enjoy the beauty and natural resources of this area.

I am a great fan of recycling and composting, but if such a facility were to be put here to compost human waste, which anyone who has visited an outhouse knows is especially rank in its odors, all of these activities would be jeopardized, because of the stench, flies and other vermin that would be created by this facility.

The predominant wind that comes during the summer is from the south and this facility would be placed directly to the south of our community. Summer is when the smells would be the most revolting and vile and summer is when people are especially drawn to the many great outdoor activities here in Benson. The wind would then carry the stench to the entire area destroying any pleasure that was hoped to be gained.

I have lived in Benson for over 37 years. A good share of the people who live here are farmers or ranchers, spending most of our time outside working hard to provide food for others. Some of the quality food that is produced in Benson include milk and all of its associated products, a wide variety of fresh produce, beef, pork and honey. Without farms, cities would cease to exist. Therefore, it is in Logan's best interests to help and support the farming communities around them rather than use and abuse them. If this facility were to be permitted to be here, farmers would have no escape or relief from its nauseating reach.

At the previous meeting addressing this topic, one of Logan's representatives made the comment that we all contribute to the problem, therefore, it is our responsibility to help resolve it. I would like to reiterate that Benson is solely on septic systems and is in no way connected to Logan's sewer system. This is NOT our problem and we are not obligated to take care of the issue for them.

Logan's representative also insinuated that because Logan has owned the land for a number of years, that somehow should put more pressure on the Planning Commission to allow them to have such a facility here. But most of the residents of Benson have lived and worked here for generations and have much more invested in our community than Logan ever has or will have.

I suppose that because Logan has used us in the past to process their wastes, they feel like it should set a precedent for it to keep happening, but we say we have had our turn putting up with their foul smells and someone else should take a turn!

Logan argues that we would then have access to compost for our farms and gardens; however, even after enduring the repugnant stench of the facility we are then required to pay them to have any of the product and again Logan is the only one who profits.

There is no upside in this proposal for Benson. It is all loose, loose. As a popular recreational resource and farming community, we would all be better off if this human waste was hauled to the landfill. VOTE NO to rezoning the 47 acre site from agriculture! The County does not have to bend over backward to Logan City! Defend our rights, our great outdoors and our community!

Stopping this project now is much less expensive, and much better and more effective than having to go through a lawsuit like American Fork and Pleasant Grove did to get rid of a similar facility in their neighborhoods. PLEASE VOTE NO!!!

Thank you,  
Sherilyn Johnson



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Benson Composting**

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Heidi Stimpson &lt;stimpheidi@gmail.com&gt;

Mon, Feb 22, 2021 at 9:49 PM

To: devservices@cachecounty.org, angie.zetterquist@cachecounty.org

Hello,

My name is Heidi Stimpson and I live in Benson, Utah. I am opposed to the rezone of 47 acres in Benson for a compost facility for Logan City. I hope that the planning committee understands that much of Benson is considered wetlands and it is prohibited to use this land for waste and compost. <https://rules.utah.gov/publicat/code/r315/r315-312.htm?fbclid=IwAR2cW-ltAzG-XKr85TgP5Ms46QSePjXSS03Bzl0HsfToverSH-JeDhz5vWY#/T3>

My father was prohibited from tilling his own land and using it to farm to this day. I definitely do not think that any city or county office should get special privileges to do this if a farmer can't use his own land without getting fined.

I am also concerned about the "80,000 manmade chemicals that are discharged from industry's pipes or otherwise pumped into the sewer system. By the time the mix lands in treatment plants, it can teem with pharmaceuticals, hormones, pathogens, bacteria, viruses, protozoa and parasitic worms, as well as heavy metals." (The Guardian) This is a great concern to my health, my family's health, and the health of my fellow community members.

I love the beauty of Benson and do not wish to see it turned into a waste facility. I value the beauty of the earth and wish that there was another way. I understand that it is difficult to find a place for waste, but it cannot be Benson. We already have a waste facility here!! Why should more waste be dumped on us?

Thank you for your consideration,

Heidi Stimpson

March 1, 2021

Cache County Planning Commission  
179 North Main, Suite 305  
Logan, Utah 84321

**Re: The Economic Impact on the Benson Area Gateway By Logan's Composting Facility**

Dear Planning Commission:

We are business owners and land owners in Benson, Utah. We strongly object to the request of Logan City to add a Public Infrastructure (PI) Overlay Zone for composting sewer sludge on 47 acres in the Agricultural (A10) Zone. We oppose the proposed facility for many reasons previously stated in other objections. Additionally, **we object to the proposed facility because of the economic impact it will have on the Benson area and the 3200 West Gateway.**

1. Benson is a vibrant and growing community. New homes are built each year and more businesses are based out of Benson because of the area and lifestyle.

2. Benson has **2 gateway areas**: 3200 West (where the proposed facility would be located) and Airport Road. A sewer sludge composting facility greatly affects Benson's 3200 West gateway. Hundreds of vehicles travel the 3200 West gateway each day. We believe this gateway will be affected by the very sight of 47 acres of sewer sludge and other bio solids being composted. The gateway is also affected by the smell, flies and insects and other issues acknowledged by Logan City.

3. The Benson area and the 3200 West gateway will continue to grow. Benson will continue to attract more homeowners and more businesses. A sewer sludge composting facility located on the 3200 gateway will affect Benson property values and the ability to attract businesses and development to Benson.

4. Logan City currently owns property on which they could construct the composting facility. They own approximately 80 undeveloped acres adjacent to the new sewer facility. This property is known as the Eliason Property. However, Logan City argues that they do not want to place the facility on the Eliason property because it is their "gateway" and not part of its master plan. While Benson may not have a master plan because it is unincorporated, the same argument applies for the Benson site as it does for a Logan City property site. 3200 West is the Benson Gateway and allowing the composting facility greatly affects the current and future economic development, businesses and residents of the Benson area.

5. As business owners and landowners we strongly encourage the Planning Commission to consider the impact this facility will have on the 3200 West Gateway and our businesses, land values, housing and future development in the Benson area. As you consider these impacts, please deny Logan City's request to build its sewer sludge composting facility in Benson.

6. Signatures of the business and land owners are on the accompanying pages. Thank you for your consideration in this critical matter.



X Darrell J. Ricks  
DARRELL'S Appliance

X Jesse Ricks  
Darrell's Appliance

X Jay Ricks  
Darrell's Appliance

X James M. Tombs  
SUMMIT GROUP WEALTH ADVISORS

X Betsy Tombs  
Summit Group Wealth Advisors

X Cathy Ricks  
Darrell's Appliance

X Vickie Ricks  
Darrell's Appliance

X Betty L. Ricks  
Darrell's Appliance

X Spencer  
Spencer construction

X SK Ranch  
Spencer Construction

X Wisor Manufacturing, Inc

X Kunzler Livestock  
Kunzler Seed

X Roxane Trucking LLC

X Smithfield Electric Trust

X Smithfield Electric Trust

X FIREWORKS WEST INTERNATIONAL

Dear Cache County Planning Commission,

I write to express my opposition to the proposed rezoning of parcel 12-028-0008 which is owned by the City of Logan. The intended use is to create a human waste composting facility on the site. This proposal would turn one of the primary gateways to “Beautiful Downtown Benson” into an embarrassing eyesore that no one would want at the entrance to their community. I am also very concerned about water pollution, horrific odors permeating our community, and increased biohazard traffic on 3200 West.

3200 West (often referred to as the Benson Highway) is one of the few primary gateways into our community. For those who live and work in Benson, composting human waste on this site would be like asking Logan City to start dumping literal crap on the unused Emporium site in Logan. Why wouldn't you want a site like this on the Emporium property?... because main street represents the people of the city of Logan. One day soon, Benson will be its own city, and we don't want a composting facility to welcome visitors and new residents to our community. We don't want people to associate human waste with the people of Benson. Why isn't the city of Logan putting this thing somewhere in the city of Logan? Because they don't want it there of course. And we don't want it in our community either.

I experienced the kinds of problems that can come with composting facilities and waste management sites like this while running a business in Orem several years ago. The old Geneva property which is now Vinyard, used to be very similar to Benson. A human waste composting facility was placed in what then was considered an out of the way location much like the current proposed location. I unknowingly moved my business into a location a few miles away from the composting facility. There were days when the entire community was inundated with a smell so powerful we had to shut down and go home. I used to feel very sorry for the people who had to live in that area. I don't want this to become the norm in Benson.

Logan City is asking us to trust them to keep the smell within required limits. Their track record however is abysmal. My memory isn't as long as others in the community, but in the last few years I've seen trash scattered everywhere near the dump along Valley View Highway despite promises that this would not happen. Complaints from those near the facility in Clarkston and along the Idaho border are frequent. The water treatment plant currently sends treated water into the canal systems just to the west of the plant, and occasionally we get to experience something we in this part of Benson like to call pee foam (see photo). This particular photo was taken by me, a short distance away from the proposed composting facility. It shows a giant pee foam blob exploding out of one of the canals along 3200 West that comes from the water treatment plant. No one wants this in their community.





Currently many families in the area work livestock, ride horses, and perform other agricultural activities all around the proposed site. One big difference between human waste and say putting manure on a field is that humans ingest pharmaceuticals, estrogens, and other contaminants that are in no way good for anyone living in the vicinity. As Logan gets bigger so will the amount of pollutants entering the system. I don't want our kids and our community contaminated with environmental estrogens which can affect child development, wildlife, get into our water supply etc. We don't want those kinds of pollutants getting into our food supply either. Livestock grazing is occurring at different times of the year in fields adjacent to this proposed property, and numerous agricultural products are produced in fields surrounding the proposed site and also downstream. Blue Creek Spring feeds into Cutler Dam which spreads all over the western part of Cache County. This is just not smart.

Blue Spring Creek literally runs through the proposed property (See Photo Below). The proposed concrete and earth berm is in no way going to stop water runoff from the proposed composting site from entering this water system. Water and wetlands not only surround the property, but run right through it!! How can rezoning the property for this type of use be justified? One crack in the concrete or asphalt is all it's going to take to pollute the entire system.



Logan City proposes to haul truckload after truckload of human waste down one of our primary streets thereby increasing traffic on 3200 West. As our entire community continues to grow we know that traffic on 3200 west is going to increase dramatically over time. Smart community planning attempts to avoid main arteries whenever possible when deciding where to put facilities of this kind. Trucks hauling waste will add to the already busy Valley View Highway traffic where they will create bottlenecks as they regularly pull out onto Valley View where speed limits are around 60 mph. As our community continues to grow, the City of Logan will produce more and more human waste, increasing the number of trucks hauling waste. As Benson grows,



so too will the traffic on 3200 west. Why create a problem that can easily be avoided by simply choosing a less trafficked location to compost?

In conclusion, please recommend that we reject the proposal to rezone this property. Approval would be a huge mistake. Please don't turn Beautiful Downtown Benson into the dumping ground of Cache County.

Sincerely,

A handwritten signature in cursive script that reads "Matthew Fuller". The signature is written in black ink and is positioned above the printed name.

Matt Fuller  
Benson Resident



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Benson Planning Commission Thursday agenda**

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Jeff Ricks &lt;rix.jeff@gmail.com&gt;

Tue, Mar 2, 2021 at 8:52 PM

To: angie.zetterquist@cachecounty.org

Hi Ms. Zetterquist

Is it possible to submit our concerns to the Planning Commission before the hearing on Thursday?

Thank you

Darrell, Betty, Jeff, Vickie, Jay and Cathy Ricks

March 3<sup>rd</sup> 2021

Cache County Planning Commission

Concerning Logan City's request to put it's human waste compost facility along Benson's 3200 West street.

As owners of a business in Benson we wish to register our opposition to the property that Logan City is requesting to compost human waste.

Darrell Ricks

I have operated a business in Benson since 1970 and feel like my business has supported Cache County financially. I am concerned about the impact and determent of the sights and smells of this proposed location.

Betty Ricks

Many years ago, I created a popular jingle which says, "...in beautiful downtown Benson". We have enjoyed many customers that tell us they enjoy the jingle and the short drive to see "beautiful downtown Benson". Please don't mar our beautiful community.

Jay Ricks

As a business owner, I am concerned about the risk of health issues to residents of our community and the loss of business value.

Cathy Ricks

I am concerned about the ill effects on our community's health. Many people have respiratory ailments that may seriously affect them.

Jeff Ricks

I have worked to build a respectable business in Cache Valley for 41 years. I can't imagine a project that could have more negative impacts than a humanure plant on the way into our beautiful community. Logan City refuses to be part of CMAD to control the infestation of insects this would create. I don't see Logan City as a great partner as a neighbor if they would do such a project to a small country loving community such as Benson.

Vickie

It seems that whenever you hear news of natural disasters such as earthquakes, we hear of raw sewage related disease and sickness. I'm opposed to having this operation close to human populations for many reasons.

Thank you for your consideration of our concerns.

Darrell Ricks  
Betty Ricks  
Jeff Ricks  
Vickie Ricks  
Jay Ricks  
Cathy Ricks



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Composting Facility in Benson**

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**JaNae Moss** <janaejmoss@gmail.com>

Wed, Mar 3, 2021 at 9:08 AM

To: angie.zetterquist@cachecounty.org

To Whom it May Concern,

I know that this composting facility is something that a lot of people are excited to put in out in Benson. What I think people forget is that Benson is a community that is full of people that don't want their home tainted by someone else's garbage. Just because we are rural doesn't mean that we want to have to have our homes stink. Please reconsider where this facility is being placed. Please consider the people that it is affecting and please don't place all of the sewer systems in our town.

Thank you

JaNae Moss and Steve Moss

To Whom It May Concern:

I am writing to express my concern with cash county's intent to use 47 acres in Benson, UT. to dispose of human waste. I am a resident of Benson and am opposed to this proposal. Our groundwater in Benson is very high, and the field that has been proposed for use has standing water on it at various times during the year. The area also serves as a bird refuge for several different species of birds throughout the year. How will this proposal affect the well-being of the bird population - most importantly the reproduction? Other concerns include livestock that waters close to the proposed site and seepage into the Cutler reservoir.

My family moved to Cache County six years ago. We moved from Tooele County, which uses a similar process for disposing of human waste. Our home was approximately 5 miles from the site where human waste was dumped but, the smell was still overwhelming. On the day of the dump, you could smell it with the house windows open. If the wind happened to be blowing, this sent was so unbearable we would be unable to do anything in the yard or have the house windows open. Our home here in Benson is less than two miles from the proposed site.

Spanish Fork also pushed through a similar disposal method and was met with strong resistance from citizens. They have since negotiated and can no longer dump and had to have the site cleaned up by the end of last year. I urged the council to learn From Spanish fork.

This site will not only cause us health issues, but it could potentially pollute the water in our area. The planned location is not far from the Benson Marina which, runs into multiple locations throughout Cache Valley. It will shut down multiple beautiful locations people use daily to enjoy the beauty of the outdoors.

In conclusion, I ask you to consider the impact this decision will have on the environment and the community of Benson. Consider your reaction if this was your backyard.

Thank you,

Kassy McClimans  
3904 W 3000 N  
Benson, UT 84335  
(435) 841-1315  
kassystem@gmail.com



Cache County DevServices <devservices@cachecounty.org>

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## Human Waste site in Benson

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**Britney Knight** <britney@kimberbell.com>  
To: devservices@cachecounty.org

Wed, Mar 3, 2021 at 1:38 PM

To whom it may concern,

I Britney Knight and my husband Bret Rasmussen live in Benson, and would like to OBJECT to the human waste site that you are planning in Benson. We feel it would completely ruin our great little community and make it an unclear, smelly, not safe environment, to live in.



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Human Waste Composting

1 message

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**Bret Adamson** <bret@slammersinc.com>

Wed, Mar 3, 2021 at 9:52 AM

To: devservices@cachecounty.org

To whom it may concern,

My name is Bret Adamson I live at [3924 West 3000 North](#) in Benson.

I absolutely oppose the proposal of the human waste composting project at the location of 3200 West 1400 North in Benson Utah.

We are talking about human waste. Anybody in there right mind would not want a facility that contains human waste near the area that they live.

Odors, Depreciation of property value, High water table in addition to the abundance of chemicals that can be introduced into the ground as well. And lastly taking away from the beauty of Benson Utah.

There is currently what they call the polishing ponds here in Benson that is a small gift by the wonderful city of Logan. I think we all know what is getting polished here.

I can't imagine with all of the available technology that there is to be offered that they can not come up with a better way to take care of this. I will stick with steer manure to fertilize my garden.

Thankyou and have a splendid day.





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Compost facility**

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**VICKI KUNZLER** <vickikunzler@yahoo.com>

Wed, Mar 3, 2021 at 10:23 PM

To: devservices@cachecounty.org

Cc: angie.zetterquist@cachecounty.org

To Whom it may concern,

My name is Vicki Simmonds and I am currently building a new home in Benson Utah. I am opposed to the rezone of 47 acres in Benson for a compost facility for Logan City.

I have two small children and we are trying to rebuild our lives after my husband, their father unexpectedly passed away 17 months ago. Benson is our future and our new start. I built in Benson so my kids could play outside in the fresh air and enjoy nature and be away from town. Had I known that we would be dealing with a horrible stench, more bugs, more rodents, lowered home value and even worse a chance of water contamination I wouldn't have poured our life savings into a home that would be close to a waste compost facility. Please, please vote NO to this.

Thank you for your time,

Vicki Simmonds

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Oppose to rezone in our Beautiful Benson.**

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**Maria Vejar** <vickyvejar@gmail.com>

Thu, Mar 4, 2021 at 9:09 AM

To: angie.zetterquist@cachecounty.org

Miss Zetterquist,

With great anguish and discontent I'd like to let you know we totally disagree and oppose to rezone.

We are a family of 5 who moved from Riverside CA, searching for a much better, quiet and unified small community for our three kids born there to grow up.

We were blessed to find all that and more in our Beautiful Benson!!!

We looked for a long time for the perfect place away from big cities but at the same time close enough to the hospitals, work, church, schools etc.

We were in need of making sure our kids growing up in a safe environment and away from all the commotion and life style big cities have, if we didn't mind about it, we would have stayed there where we had a good job, our home, extended family and very close friends and some very good neighbors too but we wanted more, the beauty of open space and wonderful views but most of all a secure and safe small town.

America offers to all of its citizens the opportunity to soar to higher mountains and a better life, to find the best place according to your efforts and possibilities.

We did find it here and even besides our full time jobs we have cattle, horses, farm animals and a crop on the same road where our home is, in fact it is right across from where they are planning the human compost site.

As you can imagine we don't want our beautiful Benson to end up Cache Valley's toilet specially any leaks on our crops and animals!

Besides we already have to deal with the bad smell that some days seems to get worse, we don't need any more!!!!

No one likes that, would you?

I thank you for taking the time to read my email and ask you to please share it to whomever needs to see it and ask you to please, please consider no to rezone, no to human compost in our Beautiful Benson!

Once again thank you.

Sincerely Vicky and Alfredo Vejar.



Cache County DevServices <devservices@cachecounty.org>

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## Human Waste

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**Kelli Orr** <kelliorr091@gmail.com>  
To: devservices@cachecounty.org

Wed, Mar 3, 2021 at 8:00 PM

To Whom it May Concern,  
My name is Kelli Orr. As a resident of Benson Utah I object to 3200 West in Benson becoming the site for a Human Waste composting site.

Sincerely, Kelli Orr/Benson Resident



Cache County DevServices <devservices@cachecounty.org>

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## Human Waste

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**Bert Orr** <timberlineelectric@hotmail.com>

Wed, Mar 3, 2021 at 8:04 PM

To: "devservices@cachecounty.org" <devservices@cachecounty.org>

To Whom It May Concern,

My name is Bert Orr. As a resident of Benson, Utah I do not approve of 3200 West in Benson becoming the site for Human Waste composting.

Sincerely, Bert Orr/Benson Resident



Cache County DevServices <devservices@cachecounty.org>

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## Human waste

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**Dani Orr** <dani.orr041@gmail.com>  
To: devservices@cachecounty.org

Wed, Mar 3, 2021 at 8:07 PM

My name is Dani Tadlock. As a resident of Benson Utah, I do not approve of 3200 west In benson becoming the site for human waste composting.

Sincerely, Dani Tadlock/ benson resident.  
Sent from my iPhone



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Rezoning

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**Cody Orr** <mxhead40@gmail.com>  
To: devservices@cachecounty.org

Wed, Mar 3, 2021 at 8:21 PM

I am a Cache County resident. I heard about a plan to rezone a 47 acre piece of land in Benson for a human feces dump site. I am sending this email to say that I am strongly opposed to this happening. My kids are in Benson every day at their grandparents house and I would hate for them to smell this and possibly get sick because of this site. I know there was a lawsuit in Utah regarding a similar site. Do not allow this to happen! It will be very bad for the Benson community and also this beautiful county.

A concerned citizen



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Human waste composting facility**

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**Caroline Laine** <lainecaroline9@gmail.com>

Wed, Mar 3, 2021 at 9:24 PM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

Hello. My parents live in benson. I live in Logan City. I am opposed to the human compost waste facility. This will greatly degrade the valley. Please find a different place to build this facility. It does not belong in benson. Thank you,

Caroline Laine

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Caroline Laine



3/4/2021

Cache County Corp. Mail - Benson dump

**Attachment B**  
**Public Comment #49**



Cache County DevServices <devservices@cachecounty.org>

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## Benson dump

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**Heather Williams** <heathernfamily@gmail.com>  
To: devservices@cachecounty.org

Thu, Mar 4, 2021 at 8:19 AM

I ask for no dump in benson please.

Heather Williams

Sent from my iPhone



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Rezone in Benson off 3200 West**

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**Shelley Tarr** <shelley.tarr@gmail.com>

Thu, Mar 4, 2021 at 8:35 AM

To: devservices@cachecounty.org

Dear Sir/Madam:

I am writing to oppose the rezoning of an agricultural land that Logan City is trying to convert to a human waste composting site.

Please oppose this obnoxious request, as this will impact everyone living in the valley when there are winds, which is often. This didn't work out well for the site down in American Fork, so we should not even go this direction here in Cache Valley.

Please do not allow this, our quality of life needs to be maintained.

Thank you,  
Shelley Tarr  
Benson, UT



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Composting site

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**Amy Anderson** <azadeikanderson@hotmail.com>

Thu, Mar 4, 2021 at 9:43 AM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

I support the rezone. The process to be followed has been carefully studied. The concerns that human waste will carry diseases to the community is an understandable fear but in looking at research, a confirmed incident of transmission of illness from sewage sludge has not surfaced.

From a recent UPR report on using compost in community gardens, which is a step further than simply storing it and would actually have a more direct connection to people:

"We have systemically looked at all kinds of potential hazards," says [Ian Pepper](#), a professor and director of the Environmental Research Laboratory at the University of Arizona who has been studying biosolids for 30 years. "Invariably we've found that the risks are much lower than those suggested by environmental activists."

Proponents say that it's hard to prove that biosolids are a significant source of contaminants.

"These compounds are ubiquitous in the environment – in the soil, water, within our bodies," says Neil Zahradka, who oversees biosolids for the state of Virginia's department of environmental quality. "So the question is: If it's in the biosolids, then is that a problem? None of studies so far have been able to conclusively say that yes there's an issue here."

To meet the needs of our entire Cache County community that will depend on the wastewater treatment plant, please approve the rezone.

Amy Anderson, Logan



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Human Waste Composting

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**Shanna Cowley** <shanna@campbellsci.com>

Thu, Mar 4, 2021 at 10:04 AM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

Planning and Zoning Commission,

My name is Shanna Cowley and I have lived in Benson all my life. My Grandparents and Parents lived here all their lives also.

I am totally against any human waste composting to be done in Benson. The smell, rodents, flies, mosquitos etc are not wanted in our area. We also do not want any illness or other bad effects that this human compost process might bring. Benson is a wonderful community and we want it to stay that way.

If it is so safe and does not smell, put it in Logan by the sewage area.

I totally oppose a human waste composting site in Benson.

Shanna Cowley

Benson, Utah

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Confidentiality Notice: This e-mail may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive from the recipient), please contact the sender by reply e-mail and delete all copies of the message.



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Objection for Human Waste Compost

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**Jodi Spencer** <cowgirljspencer@gmail.com>  
To: devservices@cachecounty.org

Thu, Mar 4, 2021 at 10:53 AM

**To Whom It May Concern,**

I would like to cast my vote to object against the Human Compost Site being located in our wonderful community of Benson.

Has Logan City thought about putting this human compost site at one of your entrances to your community? Probably not.

Have you thought about using your own piece of land in Logan City for this project you would like to do? Probably not.

Have you thought about years down the road, and how it can harm the community of the Benson people? Probably Not.

What about the lawsuits that have happened in other communities from this exact same scenario with Human Compost sites?

Do you want to be in a Lawsuit that could be hundreds of millions of dollars down the road for making a neighborhood full of people ill?

Logan City, I would greatly appreciate you taking your human waste site somewhere else than our Benson Community. I would appreciate not being the one that is downstream from it. I do not want the smell of it or have to worry about becoming ill in the future due to a decision I had no choice in making. I want to have family come out to Benson and be able to enjoy their stay like they do now. Family and friends like to get away from the hustle and bustle of the city and come out to Benson to enjoy the agriculture community and hear the sounds of nature. We love our community and are proud to live and be a part of the small agriculture life.

Please not hurt our smaller community from your big city issues. Please take your human compost site to a different location.

Thank You,  
Jodi



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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## Opposed to the Rezone

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Jeanann McLachlan &lt;jeamcl17@gmail.com&gt;

Wed, Mar 3, 2021 at 2:31 PM

To: angie.zetterquist@cachecounty.org

Hi! My name is Jeanann McLachlan and I live in Benson, Utah. I am opposed to the rezone of 47 acres in Benson, Utah for a compost facility for Logan City.

We moved to Benson about 2 years ago because we wanted to live in a more rural area as Logan is getting congested. Even though we are a ten minute drive away from Logan, we do not get any benefits that Logan members do (library card, etc), so why would we take Logan City's human waste? If you ask me, members of the Benson community are getting the short end of the stick here.

I implore you to find somewhere in Logan City to take Logan City's human waste to. As Logan City has stated, the compost facility will stink and the amount of human waste dumping will increase over time. We don't want that here. It is Logan City's waste, so it needs to be Logan City's problem, not Benson's. Instead of building a million townhouses, you can build the compost site there instead. The fact that you can't handle the human waste that you have on hand now means you shouldn't be building more townhouses to contribute to the problem until you find a solution. And that solution is not hauling your crap to a neighboring town.

I am also appalled that not only do you want to build the compost facility here in Benson, but you also expect us to pay for it by increasing our garbage bill. This is outrageous! Especially since we were never notified what this increase was for. You just implemented it without our knowledge and that's just shady business. We don't want the facility here and we definitely don't want to pay for it either!

Further more, it is stated in the state code that composting facilities are prohibited on wetlands. (<https://rules.utah.gov/publicat/code/r315/r315-312.htm#/T3>).

I am pleading with you as a mom of two young kids (and another on the way) to move your composting facility somewhere else. We live down the street and I don't want my kids (or any person for that matter) living with the chemicals that are left behind. (<https://www.theguardian.com/environment/2019/oct/05/biosolids-toxic-chemicals-pollution>).

We are a rural area - let's keep it that way! We want cows as neighbors, not a compost facility!

Jeanann McLachlan



Cache County DevServices &lt;devservices@cachecounty.org&gt;

---

**Object Human Compost Site**

1 message

**Jarod Spencer** <cowboyjarod@gmail.com>

Thu, Mar 4, 2021 at 11:46 AM

To: devservices@cachecounty.org

To Whom It May Concern:

I would like to cast my vote to object the Human Compost Site you want to place in the community of Benson.

I am a land and home owner in Benson and I do not want a human waste compost site located down the street to the south of me nor for it to be the entrance to the community of where I live.

I own and sell livestock. Many people come to our Benson community and my personal ranch frequently during the summer months. I do not want to be part of the disruptive smell that will come from the kind of facility you would like to add to our community, let alone the excessive amount of congestion due to the trucks and employees that it will bring to our streets. I would like our community to stay agriculturally like it is and not turn it into a commercial facility for your needs.

This project you want to do will damage the equity of our homes and land. We would never be able to sell, with a smelly facility down the street from us. We would lose so much value of what we have worked so hard to have.

Please look for other land that can help your city needs that will not disrupt the farming community of Benson. I want to continue to love where my family and I live for many years to come, and to enjoy the lifestyle that we have.

Thank you,  
Jarod



Cache County Planning Commission

Dear Planning Commission

We object to the request of Logan City to rezone 47 acres in the A-10 zone on 3200 W. for the purpose of a proposed human waste composting facility.

We are Ronald + Evelyn Chambers  
2556 N. 3200 W.

Benson, UT 84335

We are one of the closed houses to the proposed site. We are tired of the smell from the sewer lagoons and feel this smell would be even worse. There are days when we don't want to be outside because of the smell. We would really like this to go somewhere else.

Sincerely

Evelyn Chambers

Ronald Chambers



# Cache Valley Compost Facility

- ▶ Project History
  - ▶ Wastewater Treatment Plant
    - ▶ Lagoon System to Mechanical Treatment



# Cache Valley Compost Facility

- ▶ Mechanical Treatment Plant
  - ▶ Biosolid Production
    - ▶ What is a Biosolid?



# What is a Biosolid



# Cache Valley Compost Facility

- ▶ What to do with the Biosolids?
  - ▶ Landfill
  - ▶ Fill up polishing lagoons located in Benson
  - ▶ Use as part of the compost operation

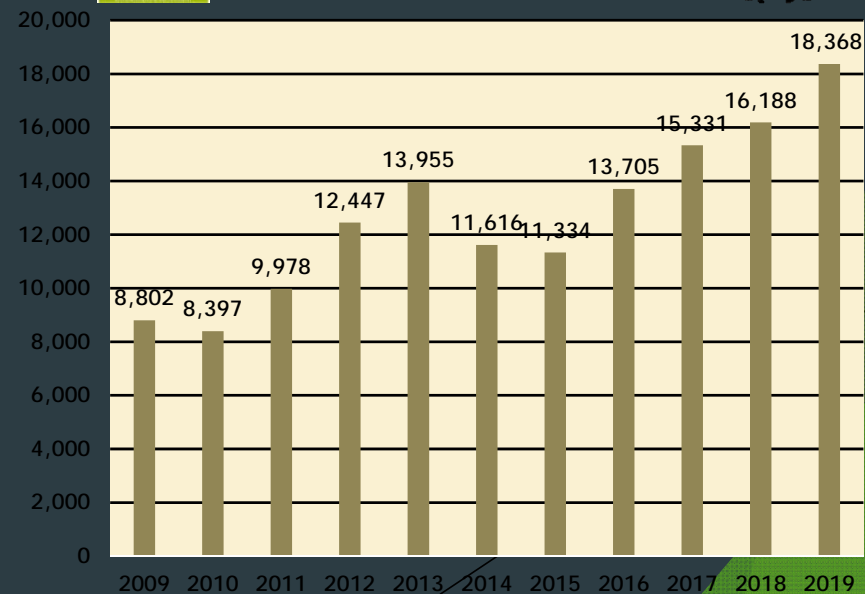


# Cache Valley Compost Facility

► Current Location



Green Waste Received  
2009 - 2019



# Cache Valley Compost Facility

- ▶ Biosolid Disposal and Expansion of Composting Facility

- ▶ Will produce Class A compost

- ▶ Meeting most stringent requirements of EPA

- ▶ Daniel Griffin DWQ

- ▶ Safe for garden use

- ▶ Nutrient rich natural soil amendment

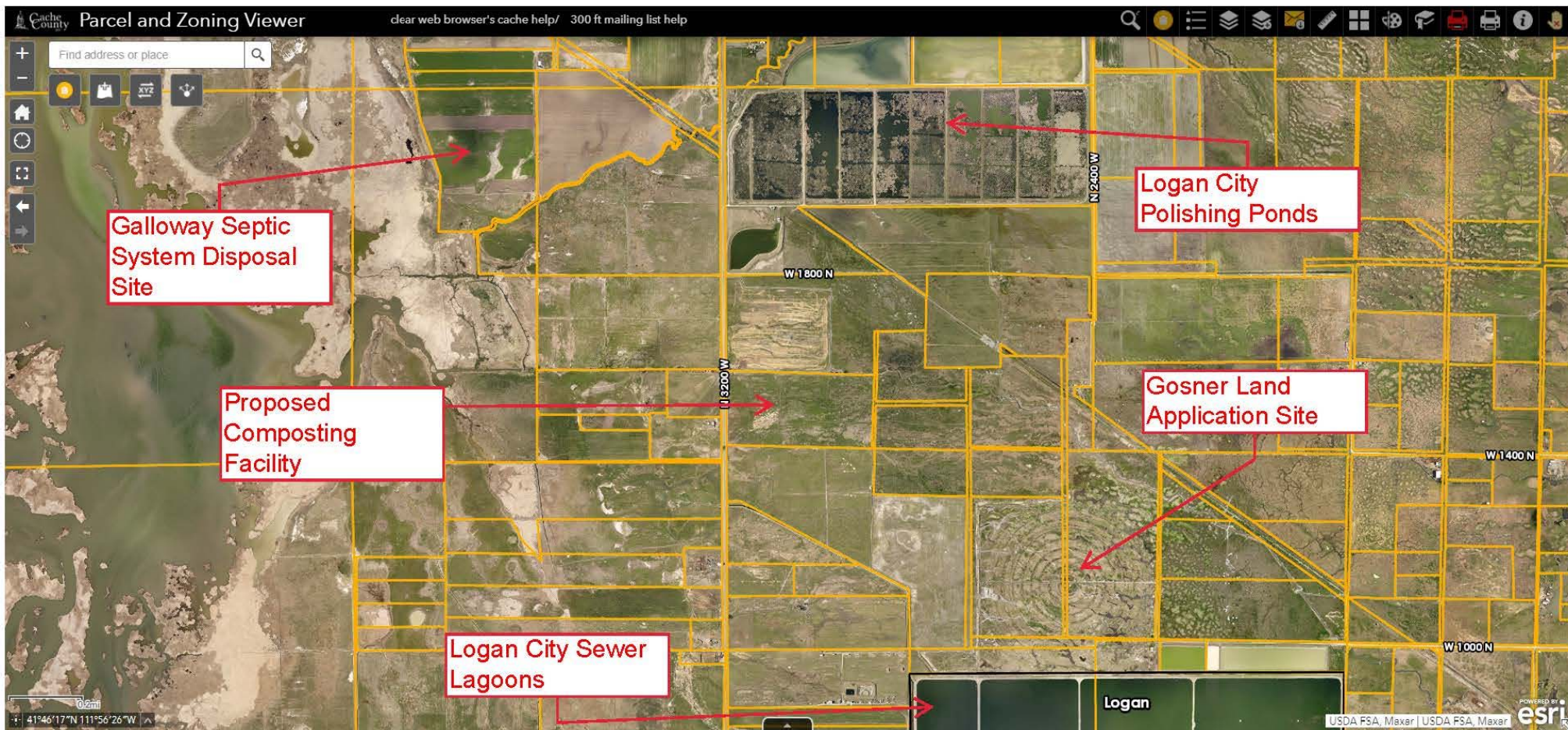
- ▶ High in Nitrogen and Phosphorous

- ▶ Process is complimentary to Agricultural Zone

- ▶ Composting Process at similar facilities











## Cache Valley Compost Facility

- Composting green waste with Biosolids is a cost-effective viable means of turning waste into a useable product.







**Composting and Biosolids for Logan, Utah**

**Leland Myers, P.E.**





# **BIOSOLIDS 101**



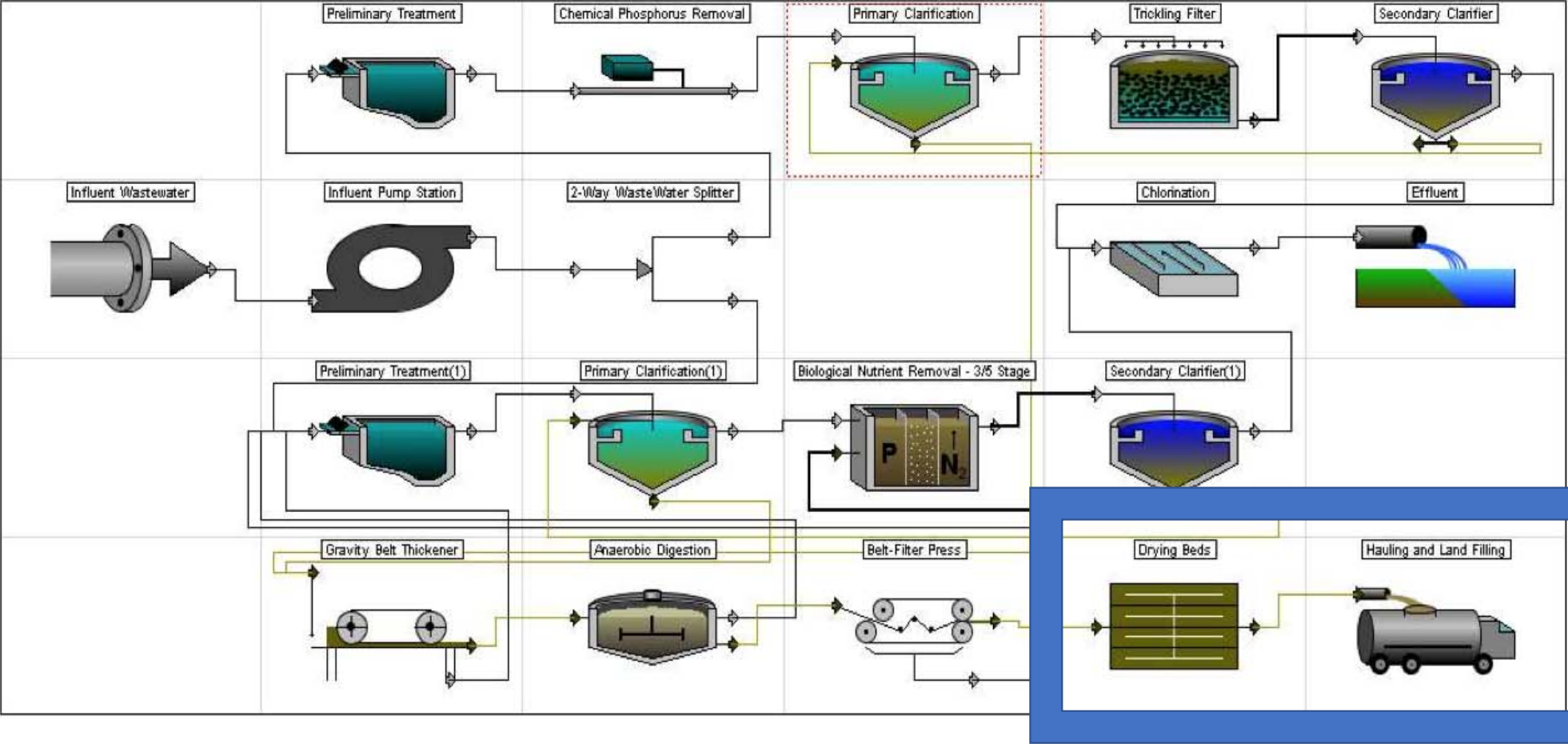
*(Why Composting  
is Good)*



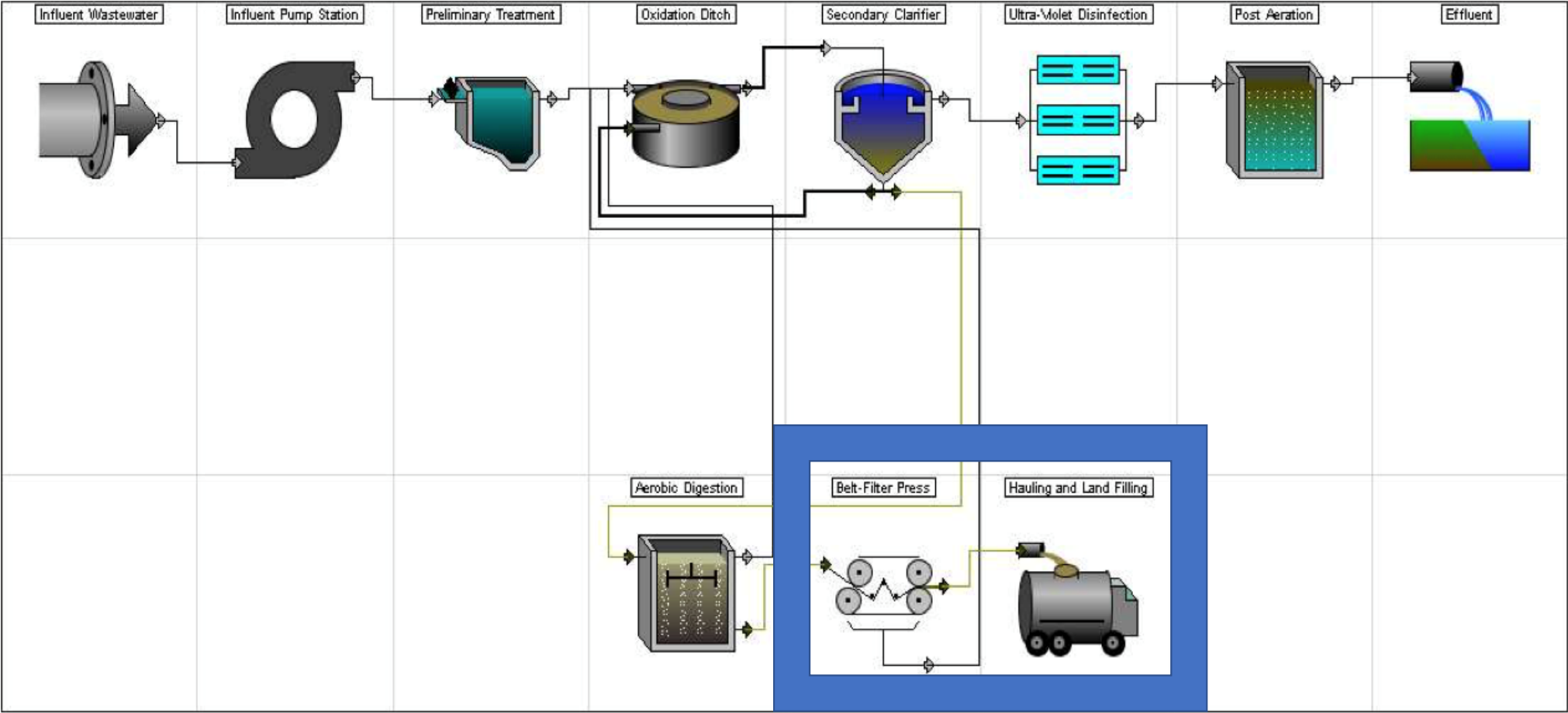
*(Oh, and why  
compost is not  
human waste)*



Layout - Central Weber SID



Layout - Brigham City



# Carbon Sequestration



**Air**

**Land**

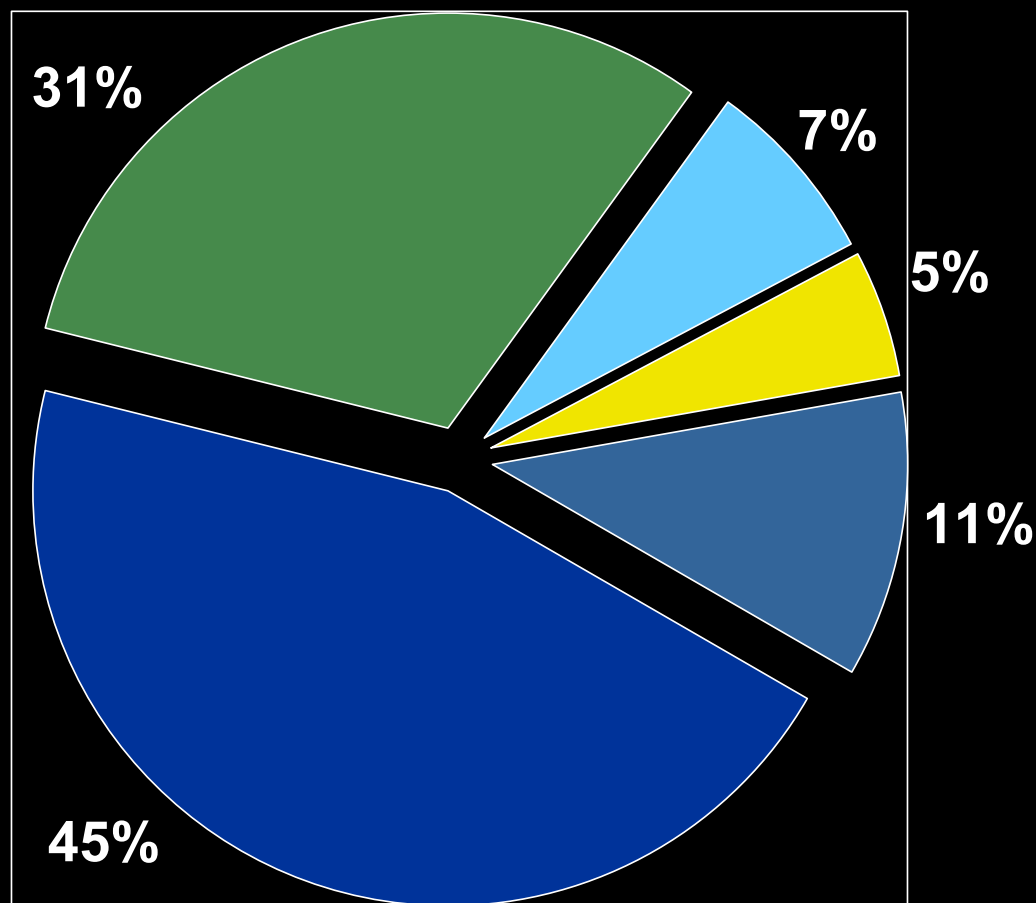
**Water**

# Beneficial Reuse of a Valuable Resource





# Opinion About Recycling Biosolids



■ Strong Favor

■ Somewhat Favor

■ Somewhat Oppose

■ Strong Oppose

■ Don't Know

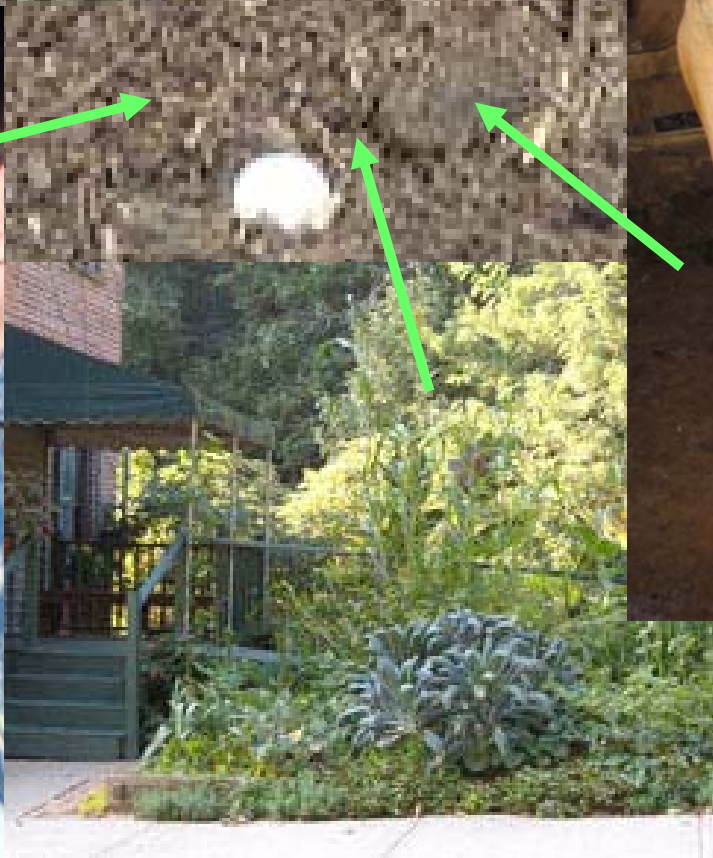


**Why Composting**



# What you compost

Feedstocks are generally from short term carbon cycle



## Soil Carbon- Sequestration putting it back in the bank

- Portion of organic matter in soils is stable
- Between 1850 and 1998 we have lost 78 Gt of soil carbon



## Compost is stable organic matter

- Compost is 50% organic
- Assume that 50% of this is stable
- Credit for carbon equivalent of 25% of dry weight of compost used



### Raw materials

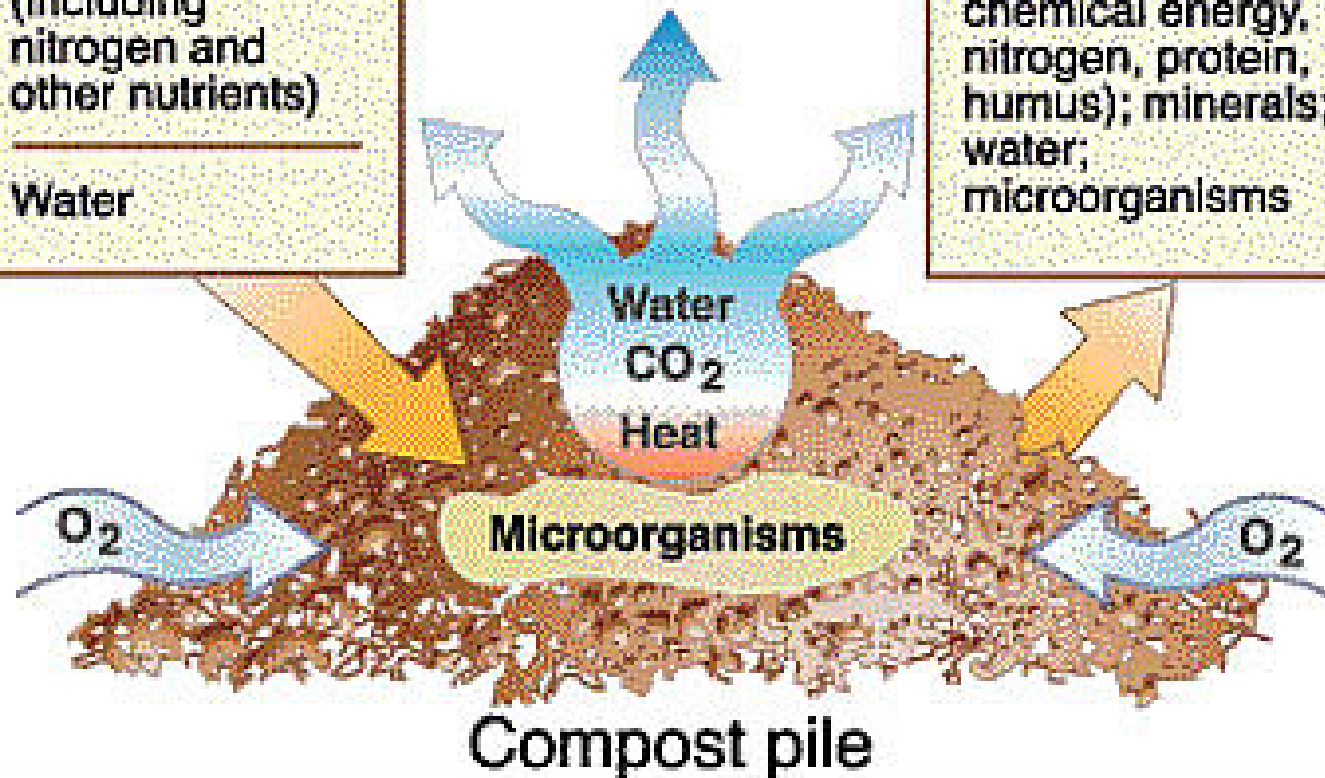
Organic matter  
(including carbon,  
chemical energy,  
protein, nitrogen)

Minerals  
(including  
nitrogen and  
other nutrients)

Water

### Finished compost

Organic matter  
(including carbon,  
chemical energy,  
nitrogen, protein,  
humus); minerals;  
water;  
microorganisms







# A Composting Story



# Central Davis Sewer District

Kaysville, Utah

# *Basic Information*

Began Composting in 1996

10 MGD Wastewater Facility

2,000 Tons of Compost per Year

Aerated Static Pile Process

Facility Evolved Over Time (Which is a Nice Way of Saying We Made all the Mistakes so Others Don't Have To.)











# *Lessons Learned*

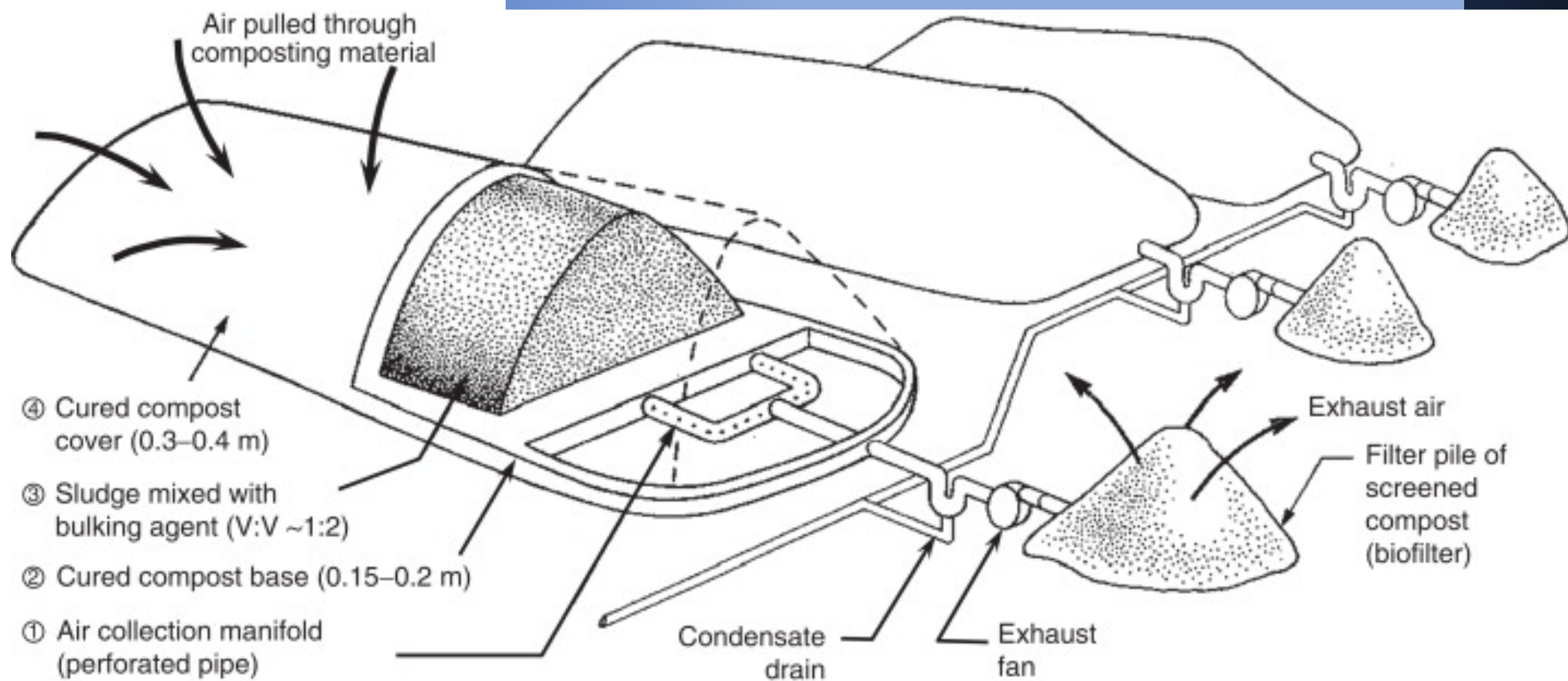
(and why you must be ready to adapt)



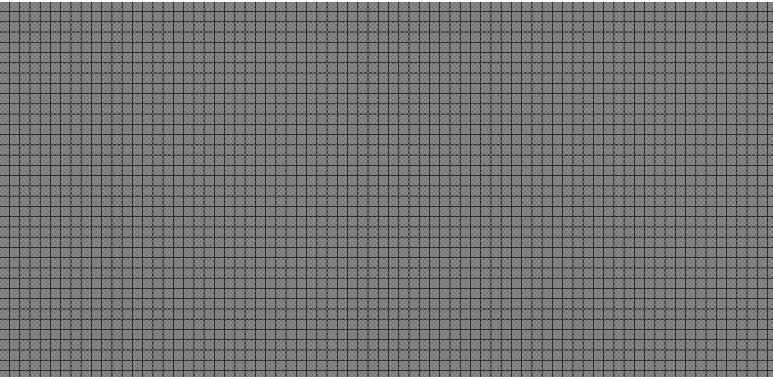


Lesson 1: The correct process for your conditions. .  
- From Windrow to Aerated Static Piles  
**Failure = Odors**









## Lesson 2 The Correct Operations Monitoring for Odors

Time of Year Challenges  
Time of Day Challenges  
Curing Challenges  
**Failure = Odors**

# Willingness to Adapt to Changing Conditions

Failure = Odors



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# Membrane Systems - Positive or Negative Aeration



## *Required Elements*

---

- Detailed Plan of Operations
  - Well Trained Operators
  - Detailed Odor Management Plan
  - Odor Monitoring
- 







To Whom it May Concern:

**To address the questions and concerns brought up by the public and Cache County Planning Commission on February 4<sup>th</sup> Logan City has assembled the following information. The intent of this material is to be informative and educational on the beneficial uses of biosolids compost and the composting process.**

#### **INTRODUCTION:**

The primary purpose of Logan City's new wastewater treatment plant is to transform wastewater that goes down the toilets and drains of thousands of Cache County residents into clean water suitable to be released into Cutler Reservoir, which ultimately flows to the Bear River. This advanced water treatment process produces three end products: clean water that is discharged to Cutler Reservoir, garbage and solid waste that is screened out and transported to the landfill, and biosolids.

**What Are Biosolids:** Biosolids are nutrient-rich organic material that has undergone biological, physical, and chemical treatments for stabilization and pathogen reduction. When sewage is treated, the organic matter of raw sewage sludge decomposes under controlled conditions, making use of naturally occurring microorganisms. These microbes feed on the organic and inorganic matter as well as other microbes, including pathogenic bacteria. The solids that remain after this digestion are settled and further treated until they meet the required standards. To keep the population of the microorganisms at an optimal level, and to discard treated material that accumulates in the plant, a calculated portion of solids are discharged daily. These discharged solids are classified as biosolids. The term biosolid is used to differentiate treated organic material from raw sewage.

**What to do with Discharged Biosolids:** Deciding how to manage the biosolids from the new wastewater treatment plant has been an ongoing exploration for over 2 years. When the new plant reaches its capacity, there will be approximately 50 wet tons of biosolid material produced daily. When the plant begins operations in the Fall of 2021, it is expected that 25-30 tons will be produced. Logan City hired J-U-B Engineers to study several options on biosolids management. Alternatives such as solar dryers, land application, disposal at the landfill, and composting, along with other options were explored. The City's preferences for biosolids handling are to reduce operational complexity, provide a beneficial and sustainable use of the biosolids, provide flexibility for the City, facilitate a year-round solution, and minimize costs. It was determined that incorporating the biosolids into the existing and expanding green waste composting operation would be the best alternative for the city and its residents. As a secondary option, the City is able to dispose of the biosolids at the North Valley Landfill near Clarkston, UT. The City's goal is to beneficially reuse the biosolids instead of unnecessarily taking up air space in the landfill.

**Beneficial Use of Biosolids:** Biosolids that are to be beneficially used must meet federal and state requirements. Examples of beneficial use include bulk application to agricultural land and selling to the public for use in household gardens. When applied to land at the appropriate agronomic rate, biosolids provide several benefits including nutrient addition, improved soil structure, and improvement of soil water retention. Land application of biosolids also can have economic and waste management benefits (e.g., conservation of landfill space; reduced demand on non-renewable resources like phosphorus; and a reduced demand for synthetic fertilizers). Biosolids also may be disposed of by incineration, landfilling,

or other forms of surface disposal. Of the 4.75 million dry metric tons of biosolids produced in the United States in 2019, 2.44 million metric tons were land applied.

**Are treated biosolids safe?** Treated biosolids are divided into “Class A” and “Class B” designations based on treatment methods. The different classes have specified treatment requirements for pollutants, pathogens and vector attraction reduction, as well as general requirements and management practices. Logan intends to produce Class A biosolids. There are multiple federal and state requirements that specify treatment processes for Class A biosolids. This assures that pathogens and viruses are eliminated. We like the statement from a Pennsylvania township that says “Biosolids are no more dangerous than dirt. You shouldn’t eat dirt. You shouldn’t eat biosolids!” The biosolids are tested regularly to assure they are meeting the state requirements.

**How does Composting treat Biosolids?** As mentioned previously, Logan City would like to combine the biosolids from the new plant into its already thriving green waste composting program. Composting involves mixing dewatered wastewater biosolids with a bulking agent such as green waste to provide carbon and increase porosity. The resulting mixture is piled in rows where microbial activity causes the temperature of the mixture to rise during the “active composting” period. The specific temperatures that must be achieved and maintained for successful composting ensure that pathogens such as bacteria, viruses, salmonella, parasites (helminth and protozoa), and COVID-19 are eliminated and safe for public use. The elevated temperatures also reduce vector attraction of flies, mosquitos, fleas, rodents, and birds. After active composting, the material is cured and distributed.

**What are the Benefits of Compost?** The main benefit to compost is the beneficial use of biosolids and yard waste, instead of sending the material to a landfill. This compost provides large quantities of organic matter and nutrients (such as nitrogen, phosphorus, and potassium) to the soil, improves soil texture, and elevates soil cation exchange capacity (an indication of the soil’s ability to hold nutrients), all characteristics of a good organic fertilizer. Biosolids compost is safe to use and has a high degree of acceptability by the public. Thus, it competes well with other bulk and bagged products available to homeowners, landscapers, farmers, and ranchers.

**Is creating compost from waste a new idea?** Currently in Cache County, there are 3 facilities that operate composting operations with waste. These facilities include the Hyrum Wastewater Treatment Plant, JBS (Hyrum), and Ritewood Eggs (Lewiston). Regionally the Brigham City Wastewater Treatment plant and the Central Davis Sewer District operate composting operations with biosolids very similar to what Logan City is proposing. The Brigham City and Central Davis facilities are much closer to residential areas than the proposed Logan City facility.

**Will the Biosolids emit an odor?** Biosolids may emit an odor depending on the treatment process and methods used. The odorous compounds generated and detected most often are ammonia, amines, and reduced sulfur-containing compounds. The City of Logan plans to actively aerate the compost piles which should help mitigate odors. The site is also located so that it is not immediately adjacent to residential dwellings. Meteorological conditions such as wind speed and direction, relative humidity, and

temperature can impact levels of odors. The presence of biosolids odors does not mean that the biosolids pose harm to human health and the environment.

**How will run-on / runoff, and drainage be handled?** The composting facility will be built up from the existing ground elevation at least 18 inches above grade to support the truck traffic that the site will see. Stormwater runoff and irrigation water will be routed around the perimeter of the facility to keep the existing natural drainage patterns intact. The compost pad itself will be constructed of asphalt and concrete with curbing around the perimeter so that surface water that falls on the project area will be captured onsite and retained in a stormwater retention pond.

**Will Wetlands mitigation be Necessary?** First off, we thought it would be valuable to define what a jurisdictional wetland is. Wetlands are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support hydrophytic vegetation, and hydric soils. The United States Army Corps of Engineers does not recognize an area as a jurisdictional wetland unless it meets each of the three parameters, i.e. hydrophytic vegetation, hydric soils, and hydrology.

Does this property fall into that definition? Preliminary investigation into the site by J-U-B indicates that wetlands may be present in isolated areas along the western and southern borders of the property. Data was recorded in three sample plots within the interior of the property that indicate a lack of hydric soils and hydrophytic vegetation. This indicates that the interior of the property does not receive adequate hydrology to support wetlands. A more detailed investigation will be performed in the spring to identify and delineate wetland/upland boundaries within the site, but it is anticipated that there will be little, if any direct wetland impact by the proposed project. If it is in fact determined that the proposed project area may impact wetland areas, Logan City will work with the Army Corps to acquire the requisite permit and mitigate as needed. Any required mitigation will be performed on-site as only a portion of the property will be utilized for the proposed project.

**Why this piece of Property?** Primarily, the property that has been selected is already owned by Logan City and is in a location that will facilitate short trucking routes to convey the green waste and biosolids for further processing. Another advantage to this location is that it is close enough to highway 30 that County residents would be willing to travel to pick up treated compost for their yards and gardens. It should also be considered that this site is in the same general area where three other sites dealing with waste disposal are currently operating. These include Galloway Septic Disposal, Gosner Foods Land Application, and the Logan City sewer lagoons and polishing ponds. As mentioned previously, the odor and nuisance of this facility will be less, or of no greater, impact than the other sites in the area.

We look forward to discussing these items more in depth at the March 4<sup>th</sup> Planning and Zoning Meeting.

Sincerely,

Issa Hamud

Environmental Director, Logan City





## **CACHE COUNTY ORDINANCE NO. 2021 - 05**

### **AN ORDINANCE AMENDING CHAPTERS 5.08 AND 5.12 OF THE COUNTY CODE RELATING TO ALCOHOLIC BEVERAGES**

- (A) WHEREAS, Cache County has an interest in protecting public health, safety, and morals within the unincorporated areas of the County through the regulation and restriction of alcoholic beverages;<sup>1</sup> and
- (B) WHEREAS, state law leaves many issues regarding the regulation of alcoholic beverages to local decision and control; and
- (C) WHEREAS, Cache County ordinances regulating alcoholic beverages have not been amended or modified in over 30 years and, therefore, use terminology and establish a regulatory framework that does not fully harmonize with current state law; and
- (D) WHEREAS, the County has an interest in promoting economic activity and development in the County, which may be enhanced by allowing the production and tasting of wine in connection with agriculture and agritourism; and
- (E) WHEREAS, the Cache County Council finds that this ordinance is in the best interest of Cache County and its citizens,

NOW, THEREFORE, the County Legislative Body of Cache County ordains as follows:

#### **SECTION 1:**

Chapter 8 of Title 5 of the Cache County Code is amended to read as follows:

#### **Chapter 5.08 ALCOHOLIC BEVERAGES**

##### **5.08.010 POLICY AND PURPOSE**

The purpose of this chapter is to regulate and restrict alcoholic beverages in Cache County by adopting existing state regulations and further regulating in areas that state law specifically leaves to local control and in areas of local concern not directly covered by state law, including by restricting the categories of state alcoholic beverage licenses, permits, and package agencies that are available in Cache County and by adopting conditions, requirements, and procedures for obtaining the County's consent to such licenses, permits, and agencies.

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<sup>1</sup> See Jonathan W. Dukes, et al., *Access to alcohol and heart disease among patients in hospital: observational cohort study using differences in alcohol sales laws*, BRITISH MEDICAL JOURNAL, June 14, 2016; D. Mark Anderson, Benjamin Crost & Daniel Rees, *Wet Law, Drinking Establishments, and Violent Crime*, THE ECONOMIC JOURNAL, December 2014; Donald W. Zeigler, et al., *The neurocognitive effects of alcohol on adolescents and college students*, PREVENTIVE MEDICINE, January 2005.



#### **5.08.020 ADOPTION OF STATE LAW**

The sale and distribution of alcoholic beverages are regulated under state law as found in Utah Code title 32B, the Alcoholic Beverage Control Act, as amended from time to time. The County adopts the Alcoholic Beverage Control Act, Utah Code title 32B, in its entirety, as amended from time to time.

#### **5.08.030 DEFINITIONS**

- (A) The definition of each term which is defined in Utah Code title 32B, the Alcoholic Beverage Control Act, as amended from time to time, is hereby adopted into this chapter, except to the extent modified by this chapter.
- (B) The term “local consent” means consent given by the County for the issuance of a state alcoholic beverage license, permit, or agency.
- (C) The term “Local Consent License” means a license issued by the County Clerk to a person or entity who has obtained local consent for a state alcoholic beverage license, permit, and/or agency.

#### **5.08.040 LOCAL CONSENT PERMITTED ONLY FOR WINERY MANUFACTURING LICENSE AND TYPE 5 PACKAGE AGENCY**

- (A) The County may give local consent only for the issuance of the following state licenses, permits, and/or package agencies:
  - (1) a Winery Manufacturing License under Utah Code sections 32B-11-101 to -303, as amended from time to time; and
  - (2) a Type 5 Package Agency under Utah Code sections 32B-2-601 to -607, as amended from time to time, and Utah Admin. Code R82-2-301.
- (B) It is the responsibility of any applicant under this chapter to be in compliance with applicable conditions and requirements of state law and this chapter when making application with the County for local consent. It is the obligation of each applicant to stay in compliance with state law and this chapter regardless of changes to those laws. To the extent permitted by state law, the officers and administrators of the County have the authority to enforce both the provisions of state law regulating alcoholic beverages and the provisions of this chapter.

#### **5.08.050 REQUIREMENTS FOR OBTAINING LOCAL CONSENT**

The granting of local consent to the issuance of a Winery Manufacturing License or a Type 5 Package Agency is conditioned upon the applicant satisfying the following criteria:

- (A) Qualifications. At the time of application, the applicant and/or, as applicable, the natural persons set forth in subsection (B) of this section, must:
- (1) be 21 years of age or older;
  - (2) not have had any alcoholic beverage license, permit, or package agency agreement revoked or cancelled in the last 3 years;
  - (3) comply with federal and state laws pertaining to the payment of taxes and contributions to unemployment and insurance funds;
  - (4) not be in default under the provisions of any County ordinance;
  - (5) not be indebted or obligated to the County, except for current taxes; and
  - (6) not have been convicted of:
    - (a) a felony under federal or state law;
    - (b) any crime concerning the sale, offering for sale, warehousing, manufacturing, distribution, transportation, or adulteration of an alcoholic product;
    - (c) a crime involving moral turpitude; or
    - (d) on 2 or more occasions within the 5 years preceding the day on which the application is submitted, driving under the influence of alcohol, drugs, or any combination of alcohol and drugs.
- (B) Ownership. The applicant must disclose to the County the identity and mailing address of each of the following individuals, each of whom must meet the qualifications set forth in subsection (A) of this section:
- (1) the applicant if the applicant is a natural person;
  - (2) each partner controlling 20% or more of the applicant if the applicant is a partnership and each partner controlling 20% or more of a partnership with controlling authority over the applicant;
  - (3) each shareholder owning 20% or more of the shares of the applicant if the applicant is a corporation and each shareholder owning 20% or more of the shares of a corporation with controlling authority over the applicant;
  - (4) each owner of 20% or more of the applicant if the applicant is a limited liability company and each owner of 20% or more of a limited liability company with controlling authority over the applicant; and

- (5) each officer, director, manager, managing agent, or person holding a similar position of any applicant that is not a natural person and each manager employed by any applicant who is a natural person; and
- (6) each officer, director, manager, managing agent, or person holding a similar position of any entity with controlling authority over the applicant.

In the event that ownership of the applicant or ownership of an entity with controlling authority over the applicant changes after the applicant receives local consent, the applicant must notify the County Clerk of any owner who newly obtains a qualifying ownership interest under this section. Likewise, in the event that an applicant, after receiving local consent, has a change in officers, directors, managers, managing agents, or persons holding similar positions, the applicant must notify the County Clerk of the change. All such new persons or owners must meet the qualifications set forth in subsection (A) of this section.

- (C) **Application.** The applicant must file a written and verified application with the County Clerk. The application must be subscribed by the applicant or person authorized to act on behalf of the applicant, who must state under oath that the facts therein contained are true. Failure to provide all required information or providing false or misleading information in the application constitutes grounds for denial of the application or revocation of the County's consent and constitutes a misdemeanor if done willfully with the intent to mislead the County. The application must include:
  - (1) the applicant's full name;
  - (2) the applicant's mailing address;
  - (3) the applicant's proposed location for its premises;
  - (4) a signed consent form stating that law enforcement and authorized County representatives will have the unrestricted right to enter and inspect the premises to ensure compliance with state law and County ordinances;
  - (5) a statement by the applicant affirming that the applicant and each person identified in subsection (B) of this section possesses the qualifications specified in subsection (A) of this section and the Alcoholic Beverage Control Act; and
  - (6) such other information as may from time to time be required by the County Clerk or County Executive.
- (D) **Review and Inspection.** The applicant must receive a positive recommendation from all of the following:

- (1) Cache County Sheriff. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the Sheriff for investigation and report. Prior to issuance of any local consent, all applicants and each individual identified in subsection 5.08.050(B) of this chapter, and the applicant's supervisory personnel, must submit to a Utah Bureau of Criminal Identification ("BCI") check and a Live Scan check of the Federal Bureau of Investigation ("FBI") criminal database. The Sheriff must, within 14 calendar days of his or her receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent, the Sheriff must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Sheriff must record the recommendation on the application, sign the application, and may at his or her sole discretion submit a detailed report of the investigation. In conducting an investigation and making a recommendation, the Sheriff may investigate and base a decision upon such factors as:
  - (a) the general reputation and character of persons who frequent the proposed premises;
  - (b) whether the activities at the proposed premises have been conducted in a lawful, quiet, and orderly manner;
  - (c) whether the proposed premises meet the proximity requirements set forth in the Alcoholic Beverage Control Act; and
  - (d) whether any criminal violations by the applicant or the individuals identified in subsection 5.08.050(B) of this chapter exist where the violation at issue would make the applicant ineligible for a license, permit, or agency under this chapter or state code.

In the event that ownership of the applicant or ownership of an entity with controlling authority over the applicant changes after the applicant receives local consent, any owner who newly obtains a qualifying ownership interest under subsection 5.08.050(B) must submit to a BCI check and Live Scan check in the FBI criminal database within 30 days of the ownership change. In the event that an applicant, after receiving local consent, has a change in officers, directors, managers, managing agents, or persons holding similar positions, each such person must submit to a BCI check and Live Scan check in the FBI criminal database within 30 days of his or her appointment or hire date.

- (2) Bear River Health Department. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the Bear River Health Department. The Health Department must inspect the proposed premises and/or the plans for the proposed premises to assure compliance with state law, County ordinances, and Health Department rules and regulations regarding the preparation, storage, distribution, or sale of food and/or alcoholic beverages. The

Health Department must, within 14 calendar days of its receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent to the issuance of a Winery Manufacturing License, the Health Department must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Health Department must record the recommendation on the application, sign the application, and may at its sole discretion submit a detailed report of the investigation.

- (3) Fire Authority. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the appropriate fire authority. The fire authority must inspect the proposed premises and/or the plans for the proposed premises to assure compliance with all state fire standards, County ordinances, and fire authority rules and regulations. The fire authority must, within 14 calendar days of its receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent to the issuance of a Winery Manufacturing License, the fire authority must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the fire authority must record the recommendation on the application, sign the application, and may at its sole discretion submit a detailed report of the investigation.
- (4) Development Services Department. All applications filed in accordance with the provisions of this chapter must be referred by the County Clerk to the Cache County Development Services Department. The Development Services Department must inspect the proposed premises and/or the plans for the proposed premises to assure compliance with all land use regulations and applicable building codes of the state and County. The Development Services Department must, within 14 calendar days of its receipt of the application, make a recommendation to the County Clerk. If recommending denial of local consent to the issuance of a Winery Manufacturing License, the Development Services Department must submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Development Services Department must record the recommendation on the application, sign the application, and may at its sole discretion submit a detailed report of the investigation.
- (E) Proximity Requirements: The applicant's proposed location must meet the proximity requirements outlined in the Alcoholic Beverage Control Act.
- (F) Training Requirement. Prior to operating under the authority of this chapter, an applicant who has received local consent must ensure that all of its managers and persons who will be engaged in the serving, selling, or furnishing of alcohol on the premises has completed any applicable alcohol training and education seminar required by the Alcoholic Beverage Control Act. Each new manager and new employee who is required to complete a training seminar must complete the seminar within 30 days of commencing





employment. The applicant must maintain on its premises a copy of the certificates granted by the state Department of Alcoholic Beverage Control evidencing completion of the required seminars by the applicant's managers and other applicable employees.

- (G) Fee. The applicant must with its application pay the local consent application fee established by the County Council, which is in addition to the business license fees and any other basic fees or regulatory fees which may apply. Regardless of whether the application is approved or denied, the local consent application fee is nonrefundable and will be retained to pay the costs of processing the application.

#### **5.08.070 APPROVAL OF LOCAL CONSENT AND ISSUANCE OF LOCAL CONSENT LICENSE**

- (A) Determination. The County Clerk must make a determination of whether local consent is appropriate under the provisions of this chapter. In making that determination, the County Clerk is not authorized to deviate from this chapter's requirements. If the County Clerk determines that local consent is appropriate, the County Clerk must give local consent and issue to the applicant a Local Consent License.
- (B) Proof of State Licensure. Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the County Clerk proof of state licensure.
- (C) Authorization. The giving of local consent for purposes of state law does not authorize any action or business practice which is prohibited by or inconsistent with this chapter.
- (D) Requirement of Local Consent License. A current Local Consent License is required to operate a winery manufacturing business or package agency business in Cache County.
- (E) Content of Local Consent License. A Local Consent License must be signed by the County Clerk and contain the following information:
  - (1) the name of the applicant to whom the Local Consent License has been issued and the name of a local contact person for the applicant;
  - (2) the street address of the premises and, if different, the mailing address of the applicant;
  - (3) the state license, permit, and/or agency for which local consent has been given;
  - (4) the term of the Local Consent License, including commencement and expiration dates; and
  - (5) a statement that the Local Consent License is subject to revocation by the County for violation of this chapter and/or violation of the Alcoholic Beverage Control Act.

- (F) Term of Local Consent License. Except as outlined in subsection 5.08.080 of this chapter or unless the applicant's Local Consent License has been suspended or revoked, obtaining local consent is a one-time requirement. A Local Consent License must be renewed by February 1 of each year.
- (G) Display. The Local Consent License must at all times be conspicuously displayed to the public in the place to which it refers and for which it is issued.

#### **5.08.080 RENEWAL OF LOCAL CONSENT LICENSE**

- (A) Renewal of Local Consent License. The holder of a Local Consent License who desires to renew the license must file with the County Clerk a completed renewal application in a form prescribed by the County Clerk, a renewal fee, and a copy of his or her current state Winery Manufacturing License and/or Package Agency agreement at least 30 days prior to expiration of the Local Consent License. The County Clerk must issue a new Local Consent License valid through February 1 of the next year if the above requirements are met and the County Clerk is unaware of grounds for nonrenewal, revocation, or suspension of the Local Consent License.
- (B) Penalty for Untimely Renewal Application. A holder of a Local Consent License who fails to timely file an application for renewal must be assessed a penalty equal to 25% of the renewal fee.
- (C) Status when Action is Pending on a Renewal Application. If an application for renewal has been filed with the County Clerk, upon written notification by the County Clerk, a holder of a Local Consent License must on the date the existing license expires close his or her licensed premises for all business related to the Winery Manufacturing License and/or Package Agency and keep the premises closed for all such business until the date a new Local Consent License is issued. In the absence of such notice, the Local Consent License is deemed renewed if a renewal application was filed on or before the date the Local Consent License was set to expire.
- (D) Transfer of Local Consent. Neither local consent nor a Local Consent License is transferrable from person to person or from location to location without reapplying for local consent and following the provisions set forth in section 5.08.050 of this chapter. Applicants for transfer of local consent must also present proof that the transfer was approved by the state Department of Alcoholic Beverage Control as outlined in the Alcoholic Beverage Control Act.

#### **5.08.090 DENIAL, SUSPENSION, AND REVOCATION OF LOCAL CONSENT AND LOCAL CONSENT LICENSE**

- (A) Investigation. The County Clerk may, on his or her own initiative or in response to complaints from the general public or any County department, investigate and gather evidence of violations of this chapter or other circumstances which may give rise to grounds for a denial, suspension, or revocation of local consent and/or a Local Consent

License. The County Clerk may request County staff to investigate further or obtain additional evidence before making a determination. The County Clerk will determine whether sufficient grounds and evidence exist to deny, revoke, or suspend local consent and/or a Local Consent License.

- (B) Grounds for Denial of Local Consent. The County Clerk has the authority, without a hearing, to deny an application for local consent or an application for renewal of a Local Consent License if:
- (1) the application does not contain all of the required information;
  - (2) the application fee is not paid;
  - (3) the applicant, owners, or premises do not meet all of the applicable requirements of section 5.08.050 of this chapter;
  - (4) the applicant intentionally misrepresented or concealed information required by this chapter in an application for local consent or in an application for renewal of a Certificate of Local Consent;
  - (5) the applicant holds local consent for other premises under this chapter that are not in good standing or upon which premises the provisions of this chapter and state laws are frequently violated;
  - (6) the applicant fails to file an application for renewal of a Local Consent License on or before the date the Local Consent License is set to expire; or
  - (7) the applicant does not hold a current Cache County business license.
- (C) Grounds for Suspension or Revocation of Local Consent License. The County Clerk has the authority to suspend or revoke a Local Consent License without a hearing. The suspension or revocation of a Local Consent License does not take effect until the time for appealing the decision as set forth in this chapter has passed and, if an appeal is filed, until the appeal is decided by the County Council. The County Clerk has the authority to suspend or revoke a Local Consent License for the following reasons:
- (1) the applicant and/or individuals identified in subsection 5.08.050(B) of this chapter do not meet the qualifications set forth in subsection 5.08.050(A) of this chapter or in state code;
  - (2) local consent could be denied for any of the reasons listed in subsection (B) of this section;
  - (3) the Local Consent License holder has violated state or local alcoholic beverage laws or regulations;

- (4) the Local Consent License holder does not pay an application fee, renewal fee, or fine;
  - (5) the Local Consent License holder does not hold a current Cache County business license;
  - (6) the Local Consent License holder fails to follow the transfer process outlined in subsection 5.08.080(D) of this chapter;
  - (7) the Local Consent License holder has failed to comply with the terms of a related land use permit (e.g., conditional use permit, building permit, etc.);
  - (8) the Local Consent License holder has failed to maintain current, unsuspended, and appropriate licensure under the Alcoholic Beverage Control Act or failed to comply with the terms of a Package Agency agreement with the state; or
  - (9) the Local Consent License holder has failed to complete the training requirements outlined in subsection 5.08.050(F) of this chapter, unless the licensee provides to the County Clerk proof of compliance within 30 days of the time that the local consent holder is first notified that such violation occurred.
- (D) Procedure for Denial, Suspension, or Revocation. The County Clerk must give notice to any applicant for local consent or a Local Consent License holder of the decision to deny, suspend, or revoke local consent and/or a Local Consent License or renewal of a Local Consent License by mailing notice by certified mail to the individual identified in the local consent application at the address listed on the application. The notice must include the following:
- (1) the name of the applicant or Local Consent License holder;
  - (2) the reason for denial, suspension, or revocation, including an identification of any County, state, or federal law violated;
  - (3) an explanation of the applicant's or Local Consent License holder's right to appeal the decision of the County Clerk;
  - (4) a statement of the time frames and process for appeal; and
  - (5) a statement that if the applicant or Local Consent License holder chooses not to appeal within the specified time frame, the decision of the County Clerk will be final and the applicant or Local Consent License holder will be expected to comply immediately with the denial, suspension, or revocation.

- (E) Appeals. Denials, suspensions, and revocations by the County Clerk under this section may be appealed to the Cache County Council by filing a written notice of appeal with the County Clerk within 10 calendar days of the date of mailing of the certified letter notifying the applicant or local consent holder of the denial, suspension, or revocation.
- (F) Licensing after Revocation. In the event that an application for local consent or renewal of a Local Consent License has been denied or a Local Consent License has been revoked or suspended, the applicant may not reapply for local consent for the same location until one year has expired from the date of the denial, suspension, or revocation.
- (G) Validity of Local Consent License During Appeal. An individual with a suspended or revoked Local Consent License may continue to operate his or her business in accordance with federal, state, and local laws pending resolution of the appeal if an appeal is filed or until the time for appeal has passed if an appeal is not filed.
- (H) Emergency Suspensions by County Sheriff. A Local Consent License may be suspended by the County Sheriff or his or her designee without a prior hearing provided there is probable cause to believe a violation or violations of this chapter or state law are occurring and the conditions are such that public health or safety are endangered. Such a temporary suspension may occur only if the Local Consent License holder or its management personnel fail to remedy the violation or violations within 15 minutes of notification by the Sheriff or his or her designee that a suspension will occur if the violation or violations are not remedied in a manner that eliminates the immediate danger to public health or safety. No emergency suspension by the County Sheriff or his or her designee may extend beyond the ordinary close of business on the day on which the suspension was given.

#### **5.08.100 MISCELLANEOUS:**

- (A) Advertising on County-Owned Property Prohibited. Any advertising of alcoholic beverages in or upon any county-owned property is prohibited.
- (B) Inspection of Premises. The County Sheriff, the County Executive, the County Clerk, a County code enforcement officer, and Bear River Health Department officials or their designees are permitted access to all premises associated with wine manufacturing under a Winery Manufacturing License, all premises associated with a Package Agency, and all premises of establishments applying for local consent, and they may make periodic inspections of such premises and report their findings to the County Clerk.
- (C) Penalties. Unless otherwise provided, any person who violates any provision of this chapter is guilty of a class B misdemeanor and, upon conviction thereof, is punishable as provided by state law.



- (D) Severability. If a provision of this chapter or the application of a provision of this chapter to a person or circumstance is held invalid, the remainder of this chapter must be given effect without the invalid provision or application. The provisions of this chapter are severable.

Section 2:

Chapter 12 of Title 5 of the Cache County Code is repealed in its entirety.

Section 3:

This ordinance amends and supersedes Chapter 8 of Title 5 of the Cache County Code, repeals Chapter 12 of Title 5 of the Cache County Code, and supersedes all other prior ordinances, resolutions, policies, and actions of the Cache County Council relating to alcoholic beverages.

Section 4:

This ordinance will take effect only upon (1) the County Council's adoption hereafter of a fee schedule that includes the local consent application fee referenced in Cache County Code section 5.08.050(G) as adopted herein and the Local Consent License renewal fee referenced in Cache County Code section 5.08.080(A) as adopted herein; and (2) the County Council's adoption hereafter of a zoning ordinance that expressly identifies which land use or uses set forth in Cache County Code section 17.07.030 include wine manufacturing, the related provision of wine tastings, and related package agency activities. In no event will this ordinance take effect prior to 15 days following its passage and approval by the County Council.

PASSED AND APPROVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH  
THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021.

	In Favor	Against	Abstained	Absent
Paul R. Borup				
David Erickson				
Nolan P. Gunnell				
Barbara Tidwell				
Karl Ward				
Gina Worthen				
Gordon Zilles				
Total				

**CACHE COUNTY:**

**ATTEST:**

By: \_\_\_\_\_  
Gina Worthen, Chairman

By: \_\_\_\_\_  
Jess W. Bradfield, County Clerk/Auditor



**Ordinance No. 2021-10**  
**Cache County, Utah**  
**Cache Valley Compost Facility Rezone**

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An ordinance request to amend the County Zoning Map by applying the Public Infrastructure (PI) Overlay Zone to a 47-acre parcel in the Agricultural (A10) Zone

**Whereas**, the “County Land Use Development and Management Act,” Utah Code Ann. §17-27a-101 et seq., as amended (the “Act”), provides that each county may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**Whereas**, pursuant to the Act, the County’s Planning Commission (the “Planning Commission”) shall prepare and recommend to the county’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represent the Planning Commission’s recommendations for zoning the area within the county; and

**Whereas**, the Planning Commission caused notice of a public hearing for the rezone to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County; and

**Whereas**, on February 4, 2021 and March 4, 2021, the Planning Commission held a public hearing, accepted all comments, and recommended the denial of the proposed amendments to the County Council for final action; and

**Whereas**, the Act also provides certain procedures for the county legislative body to adopt or reject amendments to the land use ordinance and zoning map for the county; and

**Whereas**, following proper notice, the County Council held a public hearing on April 13, 2021, to consider any comments regarding the proposed rezone. The County Council accepted all comments; and

**Whereas**, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement this ordinance.

**Now, therefore**, the County Legislative Body of Cache County ordains as follows:

**1. Statutory Authority**

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3, and 17-53 part 2(1953, as amended to date).

**2. Adoption of amended Zoning Map**

The County Council hereby amends the County’s Zoning Map to reflect the rezone of the property affected by this ordinance and hereby adopts the amended Zoning Map with

the amendment identified as Exhibit B, of which a detailed digital or paper copy is available in the Development Services Department.

**3. Conclusions**

- A.** The location of the subject property is compatible with the purpose of the Public Infrastructure (PI) Overlay Zone as identified under §17.08.050[B] of the Cache County Code.
- B.** Allows for the development of a public infrastructure project in an undeveloped area that will not negatively impact adjacent residential development.

**4. Prior ordinances, resolutions, policies, and actions superseded**

This ordinance amends and supersedes the Zoning Map of Cache County, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

**5. Exhibits**

- A.** Exhibit A: Rezone summary and information
- B.** Exhibit B: Zoning Map of Cache County showing affected portion.

**6. Effective date**

This ordinance takes effect on \_\_\_\_\_, 2021. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

**Approved and adopted** \_\_\_\_\_, 2021.

	In Favor	Against	Abstained	Absent
Borup				
Erickson				
Gunnell				
Tidwell				
Ward				
Worthen				
Zilles				
Total				

Cache County Council:

Attest:

\_\_\_\_\_  
Gina Worthen, Chair  
Cache County Council

\_\_\_\_\_  
Jess Bradfield  
Cache County Clerk

Publication Date: \_\_\_\_\_, 2021

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Public hearing to be held on April 13, 2021.

## Planning Commission action

Denial (4-yea; 1-nay).

Public hearing held on February 4, 2021, continued to March 4, 2021.

1. Applicant did not provide adequate information regarding alternatives to the proposed composting facility;
2. Applicant did not provide information on alternative locations;
3. Significant public clamor against the proposed rezone and composting facility;
4. The subject property is situated at the gateway to the Benson community and the proposed facility is not compatible in this location;
5. There is a significant chance of failure leading to air and water pollution; and
6. The applicant failed to provide satisfactory assurances about their ability to control odor .

## Chris Harrild

Angie Zetterquist

This ordinance amends the County Zoning Map by applying the Public Infrastructure (PI) Overlay Zone to 47-acre parcel in the Agricultural (A10) Zone.

### Staff Report with Planning Commission recommendation

Public Comments 1-56

Applicant presentation on 4 February 2021

Applicant presentation on 4 March 2021

Applicant letter regarding public comments

## Staff Report: Cache Valley Compost Facility Rezone

4 March 2021

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Paul Willardson

**Parcel ID#:** 12-028-0008

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

### Location

*Reviewed by Angie Zetterquist*

**Project Address:**

~1400 North 3200 West  
Logan

**Acres:** 47.12

**Current Zoning:**

Agricultural (A10)

**Proposed Zoning:**

Public Infrastructure  
Overlay (PI)

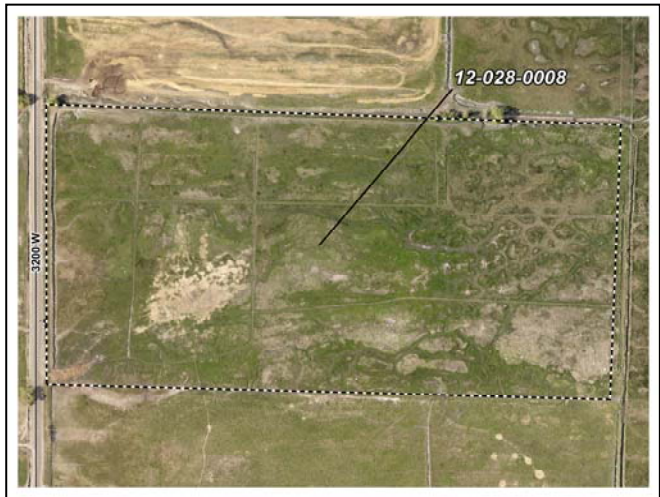
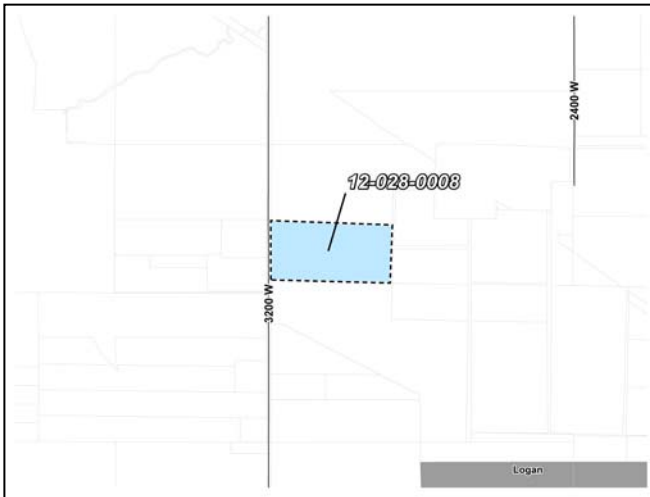
**Surrounding Uses:**

North – Agricultural

South – Agricultural

East – Agricultural

West – Agricultural



### FINDINGS OF FACT (17)

#### A. Request description

1. A request to add the Public Infrastructure (PI) overlay zone to a 47.12 acre property located in the Agricultural (A10) Zone.
2. This rezone may allow the property, owned by the City of Logan, to construct a public infrastructure project with approval of a Conditional Use Permit.
3. Staff has identified general information as pertains to the subject property to assist the Planning Commission and County Council in arriving at a decision. This information is reflected in the attached map (Attachment A) and in the following text:

**a. Land Use Context:**

- i.** Parcel status: The subject property is legal as it is in the same size and configuration as August 8, 2006. Research from the County's GIS Department indicates that, according to the legal description and plat, it is lot and block based and there are road right-of-way gaps that likely should appear on the property, but currently do not. The applicant provided a survey prior to the 4 March 2021 Planning Commission meeting that identified the location of the rights-of-way and indicated that the composting facility would not be located or have any operations in the those identified areas.
- ii.** Schedule of Zoning Uses: Under the current County Land Use Code, the Public Infrastructure (PI) Overlay Zone identifies additional uses, including the following, that are allowed as a conditional use or zoning clearance in the PI Overlay Zone, but are not permitted in the current A10 Zone:
  - 5600 Utility Facility, Transmission
  - 5610 Utility Facility, Distribution
  - 5700 Telecommunication Facility, Major
  - 5710 Telecommunication Facility, Minor (ZC)
  - 5800 Public Airport
  - 5900 Solid Waste Facilities
- iii.** Adjacent uses: The properties directly adjacent to the subject properties are currently used for agricultural purposes. Within a ½ mile of the subject property there are 32 parcels and no residential development. (Attachment A)
- iv.** Zone Placement: The County Land Use Ordinance §17.080.050 states that overlay zoning districts may be created to reflect unique boundaries that may or may not utilize existing property lines. Overlay zoning districts may be approved by the land use authority in sizes and /or configurations particular to the needs of the proposed use.
- v.** Sensitive Areas: The subject property contains sensitive areas that may require additional analysis and review under §17.18.040 including potential wetland areas. Consideration of impacts related to a proposed use on these sensitive areas will be addressed as part of each respective approval process required prior to site development activities.
- vi.** Annexation Areas: The subject property is located within the Logan City future annexation area.

**B. Ordinance—§12.02.010, §17.02.060; §17.08.030 [C]**

- 4.** As per §17.02.060, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.
- 5.** The County Land Use Ordinance §17.08.050 [B] identifies the purpose of the PI Overlay Zone and includes the following:
  - a.** “Provide for the siting and operation of public infrastructure in an environmentally sound and economically competitive manner.
  - b.** Inform current and potential residents of the county of the possible location of future public infrastructure locations.
  - c.** Ensure that any public infrastructure be designed, constructed, and operated in a safe and efficient manner, and in compliance with all federal, state, and local laws and regulations for the protection of the general health, welfare, and safety of the citizens of the county.”
    - a.** Consideration of impacts related to uses allowed within the PI Zone will be addressed as part of each respective approval process required prior to site development activities.



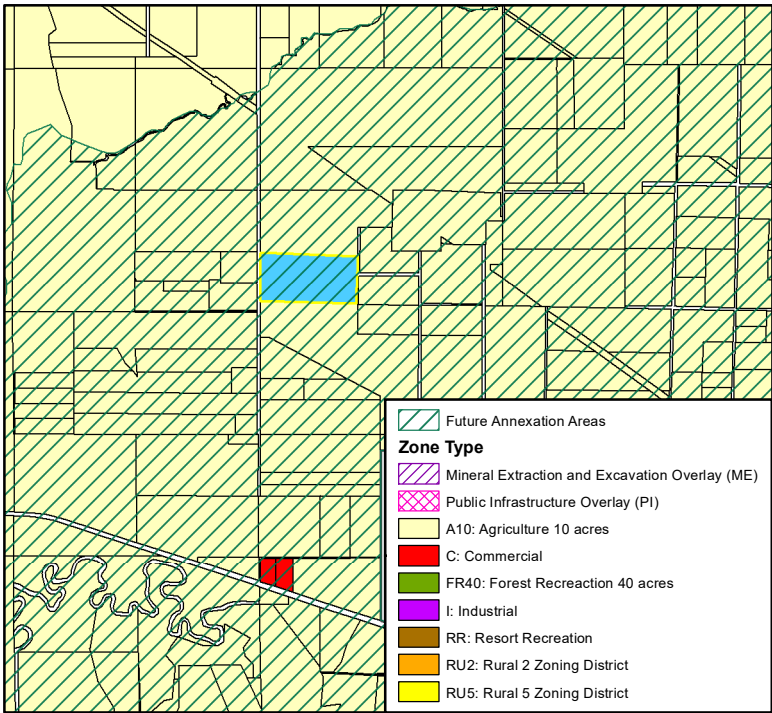
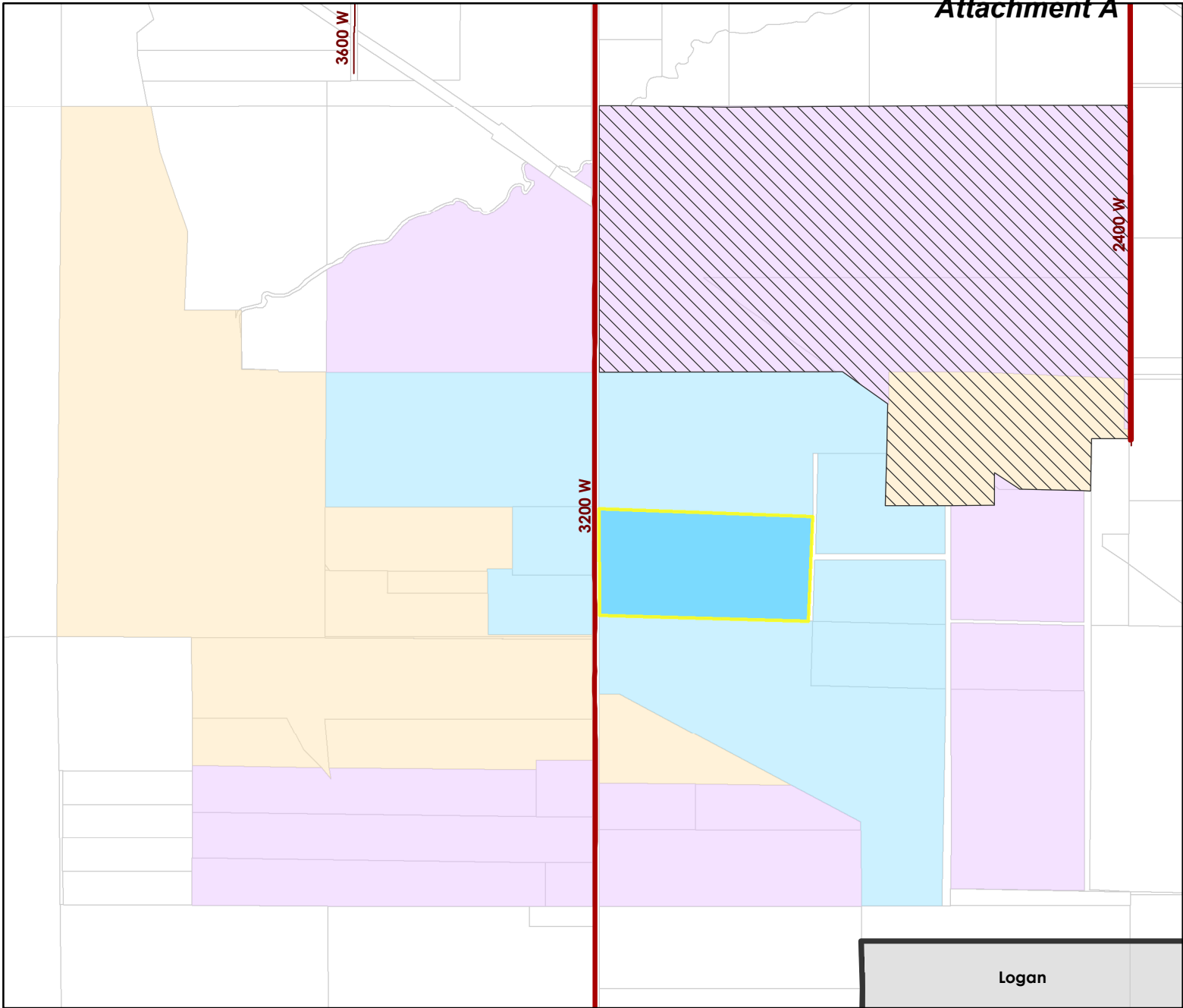


## **Planning Commission Recommendation**

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Based on the findings of fact noted, the Cache Valley Compost Facility Rezone is hereby recommended for denial to the County Council as follows:

1. Applicant did not provide adequate information regarding alternatives to the proposed composting facility;
2. Applicant did not provide information on alternative locations;
3. Significant public clamor against the proposed rezone and future composting facility;
4. The subject property is situated at the gateway to the Benson community and the proposed use is not compatible with this location;
5. There is a chance of failure leading to air and water pollution; and
6. The applicant failed to provide satisfactory assurances regarding their ability to control odor.



Legend

- [Yellow outline] Proposed Rezone
- [Red line] Winter Maintenance
- [Grey box] Municipal Boundaries
- [Brown line] County Roads
- [Diagonal hatching] Subdivisions
- [Blue line] Highways
- [White box] Parcels

Average Parcel Size

Adjacent Parcels	Without a Home: 46.13 Acres (9 Parcels)
1/4 Mile Buffer	Without a Home: 53 Acres (17 Parcels)
1/2 Mile Buffer	Without a Home: 51 (32 Parcels)



February 1, 2021

Cache County Planning Commission  
179 North Main, Suite 305  
Logan, Utah 84321

Re: Logan City- Cache Valley Human Waste Composting Facility Rezone

Dear Planning Commission:

We object to the request of Logan City to add a Public Infrastructure (PI) Overlay Zone for composting human waste on 47 acres in the Agricultural (A10) Zone. We are property owners in the immediate area of Benson, Utah. The closest house to the human waste composting facility is seven tenths of a mile from it. There are approximately 30 houses within a 2 mile radius of the proposed human waste composting facility. We object for the following reasons:

1. As property owners, we are concerned about the devaluation of our properties as human waste is brought in for composting. The surrounding properties will devalue because of the smell, attraction of flies and other insects and vermin.
2. The area north of the proposed human waste facility is a developing area. There is a new house being built now on 2600 North and in the last 7 years, 7 new homes have been built within 2 miles from the proposed human waste site.
3. The proposed human waste compost facility will be on land that is extremely wet for most of the year. In fact, the west end should be classified as "wetlands."
4. The proposed human waste compost facility is located on Blue Springs Creek (South Branch of the Swift Slough) which is a protected water way. There is a substantial danger of leakage into Blue Springs Creek because the 47 acres slopes to the west and north. As property owners, we would be substantially affected by leakage into Blue Springs Creek and Cutler Reservoir which would spread the issues and problems associated with human waste and human waste composting. Leakage from the property would also affect the public who use Cutler Reservoir for many forms of recreation.
5. Finally, this area is zoned A10. Housing is allowed in A10 zones and we built houses or bought houses because of the rural agricultural atmosphere and should not be ruined by allowing a human waste composting facility in Benson area. It is zoned for agriculture and should remain such. Our agricultural lands and heritage must be protected. We strongly object to the zoning change allowing the proposed human waste composting site.
6. Signatures of property owners are on the accompanying pages. Thank you for your consideration in this critical matter.

x Marietta A. Veeder  
Marietta A. Veeder

x Martin Barrera  
Martin Barrera

x Marixie Creek  
Marixie Creek

x Waterson  
Terri Waterson

x Riggs  
Vicky Colleen Riggs

x Matthew Fuller  
Matthew Fuller

x Barbara DeHart  
Barbara DeHart

x Kusty Chambers  
Kusty Chambers

x Dennis Cook  
DENNIS Cook

x Richard Creek  
Richard Creek

x Jeff Waterson  
JEFF WATERTON

x Richard A. Riggs  
RICHARD A. RIGGS


x Katie Fuller  
Katie Fuller

x Michael A. Ricker  
Michael A. Ricker


x Sandra Rocks  
Sandra Rocks

x



x Chauna King  


x Shannon Dean  
Shannon Dean

x Jarod Spencer  


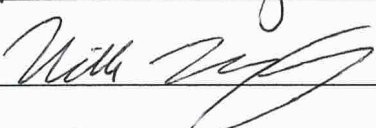
x Chad B. Falslev  
CHAD B. FALSTEV

x \_\_\_\_\_  
\_\_\_\_\_

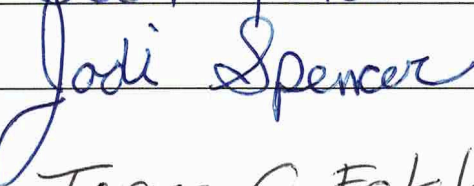
x \_\_\_\_\_  
\_\_\_\_\_

x \_\_\_\_\_  
\_\_\_\_\_

x \_\_\_\_\_  
\_\_\_\_\_

x Nickle King  


x Russell Dean  
Russell Dean

x Jodi Spencer  


x Teresa G. Falslev  
Teresa M. Falslev

x \_\_\_\_\_  
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x \_\_\_\_\_  
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x \_\_\_\_\_  
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x \_\_\_\_\_  
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x J. Jeff Zyl  
J. Jeffery Kunzler

x Mallory  
Bonamy

x Nathan Ricks  
Nathan W Ricks

x Elaine Ricks  
Elaine Ricks

x Richard Bean  
RICHARD BEAN

x Carillisa Bean  
CARILLISA BEAN

x Andrew Shaw  
Andrew Shaw

x Ryan Merrill  
Ryan Merrill

x Michelle Merrill  
Michelle Merrill

x Sharon Kunzler  
Sharon Kunzler

x Vicki Simmonds  
Vicki Simmonds

x LaVern Drollette  
LaVern Drollette

x Bob Drollette  
Bob Drollette

x \_\_\_\_\_

x \_\_\_\_\_

x \_\_\_\_\_



x Nari Higley  
Nari Higley

x \_\_\_\_\_  
\_\_\_\_\_

x Paul Higley  
Paul Higley

x \_\_\_\_\_  
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x Brandie Mercado  
Brandie Mercado

x \_\_\_\_\_  
\_\_\_\_\_

x Jared Kunzler  
Jared Kunzler

x \_\_\_\_\_  
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x Jared Wiser  
Jared Wiser

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x Stephanie Hyer  
Stephanie Hyer

x Wade Hyer  
Wade Hyer

x Brian Reese  
Brian Reese

x Shanna Reese  
Shanna Reese

x Randy Udy  
Randy Udy

x Aubree Udy  
Aubree Udy

x Jotham D Hatch  
Jotham D Hatch

x Jamie Hates  
Jamie Hates

x Tracy Spackman  
Tracy Spackman

x Tyler Halverson  
Tyler Halverson

x Susan T. Olsen  
Susan T. Olsen

x Ruthie S. Thain  
Ruthie S. Thain

x Terry J Maughan  
Terry J Maughan

x Annette C Maughan  
Annette C Maughan

x James R Chambers  
James Ronald Chambers

x Everlyn Chambers  
Everlyn Chambers

x Cole R Naegle

COLE R NAEGLE

x \_\_\_\_\_

x Summer Naegle

SUMMER NAEGLE

x \_\_\_\_\_

x Kelly Spackman

Kelly Spackman

x \_\_\_\_\_

x Heidi Spackman

Heidi Spackman

x \_\_\_\_\_

x Lacey Kelsey

Lacey Kelsey

x \_\_\_\_\_

x KLAYTON KELSEY

x \_\_\_\_\_

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x \_\_\_\_\_

x \_\_\_\_\_

Public Comment #1  
Photo Attachment



This is the Logan City property looking north to Blue Springs Creek from the south boundary of the Logan City property.



Public Comment #1  
Photo Attachment



This is looking south on the south west corner of Logan's property showing the flow of water from the Cardon property and showing wetlands.

Public Comment #1  
Photo Attachment



This is a view looking northeast on Logan City's property.



Public Comment #1  
Photo Attachment



This is looking east from the south border of the Logan City which shows some of the wetlands on Logan's parcel.

Public Comment #1  
Photo Attachment



This is from the south corner of Logan's property looking south across the Cardon property showing the amount of water that flows onto Logan's parcel and how the water flows and drains to the west and north onto the Logan parcel.

Public Comment #1  
Photo Attachment



This photo is taken from the south corner of the Cardon field looking north across Cardon field and Logan's parcel showing the flooding of the Logan parcel.



February 1, 2021

Cache County Planning Commission  
179 North Main, Suite 305  
Logan, Utah 84321

Re: Logan City- Cache Valley Human Waste Composting Facility Rezone

Dear Planning Commission:

We object to the request of Logan City to add a Public Infrastructure (PI) Overlay Zone for composting human waste on 47 acres in the Agricultural (A10) Zone. We are property owners in the immediate area and the Board of Directors of the Logan Cow Pasture Irrigation Company.

We object for the following reasons:

1. The proposed human waste compost facility will be on land that is extremely wet for most of the year. In fact, the west end should be classified as "wetlands."
2. The proposed human waste compost facility will affect the irrigation flow and spring runoff of neighboring parcels of approximately 200 acres because the water drains and flows to the west and north eventually ending up on the west half of the 47 acre parcel. Pictures showing the water flow from the neighboring parcels on January 23, 2021 have been emailed to the Development Services Department.
3. The proposed human waste compost facility is located on Blue Springs Creek (South Branch of the Swift Slough) which is a protected water way. There is a substantial danger of leakage into Blue Springs Creek because the 47 acres slopes to the west and north. There are property owners and Blue Springs irrigators (including Rocky Mountain Power and the Cutler Reservoir) west of the proposed human waste composting facility which would be substantially affected by leakage into Blue Springs Creek.
4. As property owners, we are concerned about the devaluation of our properties as human waste is brought in for composting. The surrounding properties will devalue because of the smell, attraction of flies and other insects and vermin.
5. Finally, this area is zoned A10. It is zoned for agriculture and should remain such. Our agricultural lands and heritage must be protected. We strongly object to the zoning change allowing the proposed human waste composting site.
6. Signatures of property owners and the Board of Directors of the Logan Cow Pasture Irrigation Company are on the accompanying pages. Thank you for your consideration in this critical matter.

x J. R. Cohn  
Jess R Anderson

x J. Jeff Kuhl : President  
J. Jeffery Kunzler

x Heath Worley  
Heath Worley

x Hal Cornia  
Hal Cornia with permission

x ~~Am~~  
RICHARD WORLEY

x LuAnn Willmore  
LuAnn Willmore

x Alfredo Vea  
Alfredo Vear

x Harry I. Willmore  
HARRY I. WILLMORE

x Mardean Willmore  
Mardean Willmore

x ~~Sharlene F. Cardon~~  
SHARLENE F. CARDON.

x Paul F Cardon  
Paul F. Cardon

x Thos L. Willmore  
Thomas L. Willmore

x \_\_\_\_\_

x \_\_\_\_\_

x \_\_\_\_\_

x \_\_\_\_\_



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Logan City - Cache Valley Human Waste composting Facility Rezone**

1 message

**Clara Donna** <cobra84321@yahoo.com>

Wed, Feb 3, 2021 at 1:19 PM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

As a Benson, Utah resident, residing at [3604 West 3000 North](#), I, Elaine Ricks wish to have you hereby acknowledge that I am very much

opposed to the Request of Logan City to add a Public Infrastructure Overlay Zone for composting human waste on 47 acres in the Agricultural (A10) Zone within

the Benson community. I reside in a home and manage land which is under Clay Farm Trust. It is land that my husband's family has resided on

since before he was born. The land is presently being utilized for Agriculture and it is our desire that it and the land within the Benson area

remain zoned as such. This proposed human waste compost facility is proposed to be situated on land that is extremely wet most of the year.

The irrigation flow and spring runoff of neighboring parcels will be affected. As a member of the Cache County Commission, we depend on you

to recognize the value of maintaining agriculture land and keeping the human waste far enough away from residences and agriculture that is being used

by farmers to tend their cattle and that it will not cause illnesses nor excess flies, insects and vermin. Having to smell human waste within a short distance from our residence

or for the farmers as they tend to their farmland and cattle is not something we wish to have, and if it were you living out here within just

2 to 3 miles away from the proposed land, you need to put yourself in our situation.

Elaine Ricks - Please Carefully consider this letter.





Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Logan City - Cache Valley Human Waste composting Facility Rezone**

1 message

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**Clara Donna** <cobra84321@yahoo.com>

Wed, Feb 3, 2021 at 1:35 PM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

To the Cache county Planning Commission members; My name is Nathan W. Ricks, I am a long time resident of Benson, my parents

having owned and run land in this community for many years. I presently live at 3604 West 3000 North, Benson, we have land under

Clay Farm Trust.

As a life long resident of Benson, I'm very concerned that the Logan City Human waste wants to compost sewage sludge next to the

3200 West County road in Benson.

I understand you may believe the sludge to be harmless, however I wonder what your personal reaction would be if it was put next to your residence

back yard or near where you are required to go feed your cattle or take care of your farming land. Simply because we live in a

Farming community, doesn't mean we have to take the Human waste of Logan City!!!! Consider this, HUMAN WASTE!!!

there is disease, from bacteria, and odor. When the wind blows, consider not being able to go outside in your backyard

and enjoy the summer time with family and friends because of the smell. There is also the Blue Springs Creek nearby that is a protected waterway and there may likely be leakage of

the human waster into this protected waterway. Putting this Human waste compost in this area may effect the wild life and sport persons in this area because of

the slough bottoms and marina. Please, consider this carefully as you make your decision.

Thank you, Nathan W. Ricks



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Cache Valley Compost Facility Rezone at 1400 N 3200 West Logan.**

1 message

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**Kelby Johnson** <kelby.johnson5@gmail.com>

Wed, Feb 3, 2021 at 1:58 PM

To: devservices@cachecounty.org

Dear County Planning Commission,

As a resident of Logan City and a land owner in Benson I am adamantly opposed to the proposed rezoning and installation of the Logan City human waste compost facility.

Logan City needs to own their by products and not be pushing them off on others. Benson already houses Logan's botched attempt at building a sewer treatment system which failed. Why would we allow them to now build a very poorly located and poorly planned human waste compost facility? This proposed location is on a low lying piece of land that is wet though a large part of the year. Allowing the City to compost waste in this location will result in leaching of waste into surrounding wetlands, will increase the smell of the operation due to the compost windrows being too wet though much of the year which will also result in a longer composting time frame and a poor end product. Being far from City limits Logan will have no incentive to maintain the smell of the facility as it will have little affect on the city residents.

Additionally the loss of property value to the ruffly 25 - 30 houses that exist in the immediate vicinity for a system that they don't even have a part in is disgraceful.

I strongly urge you to turn down Logan City's request.

Respectfully,

Kelby Johnson



Cache County DevServices &lt;devservices@cachecounty.org&gt;

---

**Cache Valley Compost Facility Rezone at 1400 North 3200 West Logan**

1 message

**Kimber Johnson** <ksjohnson1000@gmail.com>

Wed, Feb 3, 2021 at 2:21 PM

To: devservices@cachecounty.org

Cache County Planning Commission;

I am a long-time resident of Benson. Frankly, I am tired of Logan using Benson as a dumping ground for their sewage. We don't like it and we don't want it. It is a common thing for the big guy to run over the little guy just because he can, but the rights of the little guy need to be protected too.

I understand that they don't want to smell their own wastes, but we don't want to smell their wastes either. And now, they want to put their sewage on a new plot of land besides the old sewage facility that they have already burdened us with. This new location is even closer to housing than the old facility was. Why don't they use the old facility they already have for compost or better yet, put it in their own back yard instead of ours? How about behind the new facility at about 600 North and 1400 West? I am sure there are options they can use instead of Benson.

Another important consideration is the fact that urban sprawl has and continues to consume too much farmland. They seem to fail to consider that farmland isn't just a cheap opportunity to expand their cities, but that it is actually REQUIRED to FEED their cities! The popular push is for everything to be sustainable, but it certainly is not sustainable to continue to consume farmland and expect to have ample food at affordable prices.

Please be sensitive to the needs and desires of our community.

Thanks,

Sherilyn Johnson



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Cache Valley Compost Facility Rezone at 1400 N 3200 W Logan**

1 message

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**JaNae Moss** <janaejmoss@gmail.com>

Wed, Feb 3, 2021 at 7:02 PM

To: devservices@cachecounty.org

To Whom It May Concern,

I am adamantly opposed to the waste facility that is being considered. You shouldn't contaminate more ground. Use the ground that is already contaminated. The proposed ground is supposed to be on wetlands. We need to consider the damage that this facility would cause. Please let's not destroy more of the wildlife and habitat that is around us.

JaNae Moss



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Cache Valley Compost Facility Rezone at 1400 North 3200 West Logan".**

1 message

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**Lorie Ballard** <eiolt@yahoo.com>

Thu, Feb 4, 2021 at 8:45 AM

To: devservices@cachecounty.org

To Whom it may concern:

I am writing to oppose the plan to realign boundaries for the composting of human waste. I am a resident of Benson, UT and I am opposed for the following reasons:

1. Logan city dumping their problems onto outlying farm land cities and territories.
2. Property values decreasing.
3. Smell and health risks associated with human waste leaching into ground water and other unforeseen issues.
4. Proximity to existing homes.
5. Increase in pests and vermin.

Please take into consideration the opinions of the property owners in the Benson area before moving on this matter.

Sincerely,

Riley and Lorie Ballard  
-Benson Property owners and residents

Sent from my iPhone





Cache County DevServices <devservices@cachecounty.org>

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## Cache Valley Compost Facility Rezone at 1400 North 3200 West Logan

1 message

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**Kimber Johnson** <ksjohnson1000@gmail.com>

Thu, Feb 4, 2021 at 10:58 AM

To: devservices@cachecounty.org

Dear Committee Members,

It would be ludicrous and completely irresponsible to allow this human waste project to contaminate the waters of Blue Springs Creek, thus threatening all those down stream!

Please Do Not allow this project to proceed.

Sincerely,

Kimber Johnson



Cache County DevServices <devservices@cachecounty.org>

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## Cache Valley Compost Facility Rezone at 1400 North 3200 West Logan

1 message

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**Ethan Johnson** <mlucejh@stu.ccsdut.org>

Thu, Feb 4, 2021 at 10:53 AM

To: devservices@cachecounty.org

We CANNOT ALLOW human wastes to pollute the waters of Blue Springs Creek! This would be very detrimental to ALL who live down stream! Do NOT allow this proposal to go through!!!

Sincerely,  
Ethan Johnson



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Cache Valley compost facility**

1 message

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**Kate Cardon** <kateisnumber1@hotmail.com>

Thu, Feb 4, 2021 at 4:44 PM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

We strongly object to the compost facility at this location. The following points should be taken into consideration:

1. The site is adjacent to the Blue Springs Creek also known as the south branch of the swift slough. Utah state law requires streambank access along the entire north side of the property. Logan City violated this along the north branch of the swift slough when they installed the polishing ponds although it was clearly a condition of the conditional use permit obtained from the zoning commission.
2. The clean water act mandates that compost must not be placed within 100 feet from any body of water. The proposed parcel is only about 600 feet in width.
3. Logan City has **more than** 2 square miles (128 city blocks) of property dedicated for the treatment that is already permitted including other composting sites.
4. This project at the proposed location does not conform to the Cache County Master Plan.



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Fw: Logan City Composting site proposed for Benson, Utah**

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Clara Donna &lt;cobra84321@yahoo.com&gt;

Mon, Feb 22, 2021 at 10:09 AM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

----- Forwarded Message -----

**From:** Clara Donna <cobra84321@yahoo.com>**To:** [devservices@cachecounty.org](mailto:devservices@cachecounty.org) <[devservices@cachecounty.org](mailto:devservices@cachecounty.org)>**Sent:** Sunday, February 21, 2021, 10:51:29 AM MST**Subject:** Logan City Composting site proposed for Benson, Utah

Dear Development Services of the Planning and Zoning,

We are Nathan W. and Elaine Ricks, we live in Benson, Utah in close proximity to where the proposed Compost site is. We are opposed to this site being built in Benson. We have been greatly concerned about this facility being built here in our beautiful Benson, Utah. In our research, we have found the following article online and would ask that you would distribute it to all the members of the Commission. Thank you.

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**5 attachments****Compost company sued for 425 Million 2012 Utah County.docx**  
372K**Compost Article 2008 Timp Service Area Black Gold.docx**  
85K**Compost Article lawsuit filed over American Fork sewer plant 2012.docx**  
17K**Compost Article Lawsuit over sewer stink alleges.docx**  
39K**Compost Box Elder Corienne.docx**  
168K

# Compost company sued for \$425 million over smell in Utah County

By Sam Penrod | Posted - May 23, 2012 at 7:05 p.m.

10 photos  
108



This archived news story is available only for your personal, non-commercial use. Information in the story may be outdated or superseded by additional information. Reading or replaying the story in its archived form does not constitute a republication of the story.

AMERICAN FORK — A new lawsuit claims a compost facility in Utah County has or will cause \$425 million dollars in damages to business in the area because of the smell.

Most of the complaints are coming from an office complex about a half-mile north of the publicly-owned compost facility and wastewater treatment plant. The property owner and nearby cities are filing a lawsuit over what they call a foul smell.

It has a reputation as the best compost around, to help your flowers grow and the vegetables in your garden to flourish-but for the neighbors of the Timpanogos Special Service District, the odor from the compost piles, is at times too much.

"When the wind blows in the wrong direction, I get emails, I get phone calls and we've been promised so many times this is going to stop," said developer Mark Robinson.

When the wastewater plant was built, it was in an open area, far away from any business. But over the past decade, businesses and office complexes have sprouted closer to the plant, which composts human waste with tree limbs and other green waste.

"The problem that we have now is that we have stigma that it smells in American Fork and Pleasant Grove and therefore we are having a difficult time getting new tenants and some of our larger tenants, if we don't fix this problem, they are not going to renew." Mark Robinson

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"The problem that we have now is that we have stigma that it smells in American Fork and Pleasant Grove and therefore we are having a difficult time getting new tenants and some of our larger tenants, if we don't fix this problem, they are not going to renew," Robinson said.

The irony is that those suing the facility are also partners in it. But American Fork and Pleasant Grove cities say they can't get the other municipalities to stop the composting, which they claim is costing them millions in lost tax revenue.

"When the wind blows or things smell, it moves right into Pleasant Grove and into American Fork, and that becomes our issue," said Pleasant Grove City administrator Scott Darrington.

The facility operator said \$16 million have been invested to improve the composting process, which helps to dispose of human waste.

The \$425 million dollar lawsuit may just be an attention getter to stop the facility from composting on this site. The plaintiffs want the composting to be moved to a different location, or have the human waste hauled to the landfill.

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## PHOTOS

Photo 1 of 10







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## **RELATED STORIES**

- Something's rotten in the west of Salt Lake Valley, resident says

# Black gold' compost loses its sparkle

- Caleb Warnock -DAILY HERALD

- Mar 13, 2008

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CRAIG DILGER/Daily Herald Garland J. Mayne of Timpanogos Special Service District explains to American Fork Mayor Heber Thompson how the plant creates compost that it then makes available to the community. Wednesday, February 5, 2008.

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**Treatment plant will no longer include human waste in the compost it sells** Those who advocate environmental sustainability have given it a nickname: humanure. But in Utah Valley it has long been famous as "black gold" for the garden.

For years, the north county sewer district has sold thousands of tons of compost containing three parts green waste and one part human waste, which local officials euphemistically call biowaste and environmentalists truncate to humanure.

But the months-long process required to create compost -- essentially allowing the mixture to naturally heat and rot outdoors -- stinks. And this week, because of complaints from businesses and residents, the sewer district is going to start putting the humanure not in compost, but in the landfill, at a cost of \$750,000 a year.

Priced at \$20 for about 300 pounds, the compost created at the sewer district is so popular that it sells out year after year. But gardeners and landscapers concerned that they may lose their favorite soil amendment can bestill their hearts: The district will continue to make and sell compost from green waste, just omitting the humanure. Supplies of compost containing humanure are expected to last through the summer.

Not only does composting save \$750,000 in landfill fees, selling the 30,000-plus cubic yards produced each year for gardeners brings in more than \$430,000, district manager Garland Mayne said. The district processes 410,000 gallons of sewage a day from north valley cities and since 1992 has composted and sold 100 percent of the biosolids produced locally.

The district has recently spent \$1.3 million to purchase and house two machines to press water out of the biowaste and form it into cakes to be transported to the landfill,

Mayne said, and those machines go online this week. The sewer district board has yet to decide whether residents will see a fee increase because of the new expenses.

While some sustainability enthusiasts advocate using humanure as a method of responsible organic gardening, in Utah Valley it has long been popular not just because it is great for the garden but because it keeps down sewer fees.

"It has saved residents millions of dollars over the years," Mayne said of composting the waste instead of sending it to the landfill.

Assistant manager John Adams said neither residents nor district officials are happy about taking the humanure to the landfill and everyone wants to work to get back to composting. Over the next three years, the district will look for property somewhere out of smell's way to start composting again.

To keep up with demand for compost while having less to make it out of, Mayne said local residents are encouraged to continue to drop off their grass and tree trimmings at the sewer district, a free disposal service that puts mountains of organic matter to use rather than filling the landfill.

Compost can be purchased for \$20 per cubic yard at the sewer district, 6400 N. 5050 West in Utah County, west of Pleasant Grove Exit 275 on I-15. Compost is not bagged and purchasers must have a truck. For information, call 756-5231.

# lawsuit filed over American Fork sewer plant's 'humanure' piles

- By Contributed

- Sep 19, 2012

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AMERICAN FORK— Several Utah County cities and businesses are raising a stink over compost piles made from human waste at a sewage treatment plant, saying it's no way to treat the neighbors.

They filed a \$425 million lawsuit against the Timpanogos Special Service District in American Fork seeking relief.

"As the foul odor permeates the surrounding areas, it regularly causes physical illness among residents, workers and visitors," says the complaint in 4th District Court. It was filed earlier this week by American Fork, neighboring Pleasant Grove, the American Fork Chamber of Commerce and businesses including a BMW dealership and an RV park.

Citizens have lodged complaints for years, and the sewer district has responded by trying to keep odors down. By 2010, officials said they were wrapping 160-foot-long sludge piles in Gore-Tex tarps that reportedly eliminated as much as 97 percent of the odor while hastening composting.

The lawsuit, however, says workers who uncover the piles to mix chopped vegetation with human waste are releasing "substantial, obnoxious and foul odors through several miles of surrounding commercial and residential areas."

Utah County commissioners were named in the lawsuit because they oversee the Timpanogos Special Service District.

"I'm sad and disappointed in it, and I think there are other ways to work on it," Commissioner Larry Ellertson told the Daily Herald of Provo. "I think there has been much progress made and continued to be made."

The service district collects sewer waste from about 40,000 households across a wide area of northern Utah County, said Walter Baker, director of the Utah Division of Water Quality.

"They've got a massive concrete pad for their composting operation and water stops to prevent any groundwater contamination," said Baker, listing his agency's only concerns with the operation. "As far as the management of it — the odors of it — that's not under our purview."

The odors are driving down rents in nearby office buildings, the lawsuit says.

"For example, commercial building owners have greater difficulty leasing their spaces, lease rates are lower than they otherwise would be, and tenants have either left or have threatened to leave if the odor continues to plague the area," it said.



The sewer plant reportedly keeps hundreds of tons of sludge onsite for compost, saving money on disposal. In 2010, officials told the Deseret News they earned \$375,000 from compost sales, offsetting costs for hauling away remaining sludge.

District Manager Jon Adams didn't return a phone message Wednesday from The Associated Press.

# Lawsuit over sewer stink alleges \$425M in damages

- Caleb Warnock - Daily Herald
- Sep 19, 2012 Updated Jun 14, 2013
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ASHLEY FRANSCELL/Daily Herald Jason Bouey of Managed Organics Recycling in California takes a tarp off of a pile of humanure from the Timpanogos Special Service District Thursday, February 26, 2009 at Central Valley composting in Salt Lake City. It was the 16th test since the humanure was taken to Salt Lake City last Thursday, February 19, 2009. There will be eight more tests in the next three weeks before the pile is turned. Timpanogos Special Service District is testing a special tarp which covers the humanure and keeps the odor from dissipating into the air.

Ashley Franscell

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Pleasant Grove and American Fork have filed charges of massive damages and requested a jury trial over so-called "humanure." If successful, the lawsuit will force a fee increase for all residents of north Utah County.

The lawsuit was filed in 4th District Court on Tuesday by the members of Citizens For Clean Air And Progress, including Pleasant Grove City, American Fork City, BMW of Pleasant Grove, the American Fork Chamber of Commerce, Stewart's RV and others. The suit alleges the Timpanogos Special Service District "is engaged in the business of processing and selling compost made from the human waste sludge referred to in the composting industry as 'humanure.'"

Composting has caused property value loss and loss of tax revenue of \$75 million "plus cumulative future losses in excess of \$350 million," according to the suit. Plaintiffs are seeking damages "in an amount to be determined at trial," an injunction to halt composting and attorney's fees.

North county residents -- through their sewer fees -- have already spent \$5 million to reduce the stink for nearby businesses that have encroached on the treatment plant. Land that was decades ago considered the perfect home for sewage has now become valuable real estate because it is near a freeway exit and because centralized land is harder to come by. The only way to make the smell truly vanish is for local homeowners

to see a big-time spike in their monthly sewer fees -- perhaps \$5 or \$6 a month in perpetuity to ship the waste to a landfill.

County Commissioner Larry Ellertson said on Tuesday that he was unaware the group had filed suit. County commissioners are named in the suit because they oversee the sewer district.

"Because of the nature of the lawsuit we're not going to be able to say a whole lot about it," he said. "I'm sad and disappointed in it, and I think there are other ways to work on it. I think there has been much progress made and continued to be made."

At the sewer plant, hundreds of tons of human waste are mixed with chopped leaves and wood and grass clippings and composted in rows that are 160 feet long, 24 feet wide and 10 feet tall, according to the lawsuit, a copy of which was provided to the Daily Herald.

As the district "creates the humanure by cooking, turning over and mixing the compost mixture," it emits "substantial, obnoxious and foul odors through several miles of surrounding commercial and residential areas," reads the lawsuit. "As the foul odor permeates the surrounding areas, it regularly causes physical illness among residents, workers and visitors. In fact, this dangerous and foul odor has forced numerous persons to take sick days, closed entire offices, and forced the cancellation of numerous meetings and events due to the adverse health effects and unpleasant nature of the odor. Hundreds of citizen complaints have been registered with the district."

In addition, the odor has stunted development and hurt property values.

"For example, commercial building owners have greater difficulty leasing their spaces, lease rates are lower than they otherwise would be, and tenants have either left or have threatened to leave if the odor continues to plague the area," reads the lawsuit.

By allowing the district's activities, Utah County has violated state codes, the suit alleges. Representatives have been improperly appointed and "the illegally appointed representatives have refused to address the unlawful effects" of composting and "have effectively pushed development away from Pleasant Grove and American Fork."

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1 remaining of 3

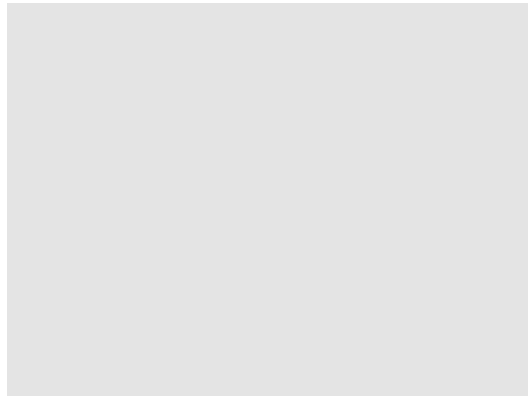
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Citizens For Clean Air And Progress

- 
- Updated Sep 18, 2012

Timpanogos Special Service District

- 
- Updated Sep 18, 2012



'Pungent Grove' could lose \$16M to sewer stink

PLEASANT GROVE -- With a grand total of \$405 million in tax revenue at stake, officials from Pleasant Grove and American Fork gathered with st...

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## Box Elder County residents concerned over farmer's use of biosolids

By [Deseret News](#) Apr 10, 2014, 8:10pm MDT

*Michael Anderson, For the Deseret News*

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GRID VIEW





1 of 2

**Residents in Corinne, Box Elder County, are concerned that a farmer is using biosolids to fertilize his field. They say the smell is awful, and the black-colored material isn't safe.** Michael Anderson, Deseret News

•  
•

**They're putting our family at risk, and they're telling us that the pathogens have been significantly reduced. They're not gone. They're not eliminated. – Alan Riser**

CORINNE, Box Elder County — Jana Young can't stand to be in her backyard.

"The smell is awful out here," she said. "We're used to the manure smell, but this smells nothing like manure. It's human poop, and it stinks."

Families in Corinne are complaining about a sewage smell in their yards. They say a nearby farmer is using compost made from human waste, and they are concerned for their health.

The compost the Ferry family farm uses comes from a wastewater treatment plant in Salt Lake County. It starts as raw sewage but undergoes more than a monthlong process before it becomes fertilizer. The farmer says it's safe, but homeowners aren't convinced.

People in Corinne say they first became alarmed when they saw the black-colored material show up. And then there was the smell.

"My wife's already complained a couple of times about the sewer smell, and it's just something you don't expect," farmer Delwin Mills said.

Joel Ferry and his family maintain several thousand acres in Box Elder County.

"We've been farming here in the Bear River Valley for 115 years," Ferry said. "We love this community. It's a beautiful place."

Nearby homeowners say when the breeze picks up, the smell is unbearable.

"It stinks," Young said. "It's a terrible smell."

Alan Riser said that odor pushed him to study what are known as class B biosolids.

"They're putting our family at risk, and they're telling us that the pathogens have been significantly reduced. They're not gone. They're not eliminated," Riser said.

He's right that not all pathogens are destroyed in such chambers, but they're reduced to safe levels, according to Environmental Protection Agency regulations.

"I would never do anything to hurt or harm the health and well-being of others in our community," Ferry said, adding that his family follows strict regulations for use of the compost.

"I use a special machine that meters all of the biosolids that we apply," he said.

Ferry said the biosolids are very nutrient rich. They have a lot of nitrogen and phosphorus that's beneficial for the crops, he said.

"So these are crops that go for animal feeds," Ferry said. "They don't go for direct human consumption."

When treated and processed, sewage sludge becomes biosolids that can be safely recycled and applied as fertilizer to sustainably improve and maintain productive soils and stimulate plant growth, according to the EPA website.

"After taking courses, looking at the EPA's guidelines, it's been proven time and time again that land application of biosolids poses no significant risk to the public's health," Ferry said.

Still, considering where it comes from and its unusual smell, people can't help but worry.

"We have a grandparents' yard here," Lorraine Riser said. "It makes it so I don't dare have my children over to enjoy those things that I have a right to enjoy."

Ferry said he has heard from very few members of the community about the smell.

"Most of the people that are now complaining have not said a single word to me or my family," he said.

The Ferrys said they're now keeping the biosolids at least a quarter-mile away from any homes.

"I dedicate my life to improving the land that I work on," Ferry said. "I love it. I wouldn't want to be doing anything else."

Email: [manderson@deseretnews.com](mailto:manderson@deseretnews.com)



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Fw: Logan City Composting proposed for Benson Utah - Rezone requested**

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Clara Donna &lt;cobra84321@yahoo.com&gt;

Mon, Feb 22, 2021 at 10:11 AM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

----- Forwarded Message -----

**From:** Clara Donna <cobra84321@yahoo.com>**To:** [devservices@cachecounty.org](mailto:devservices@cachecounty.org) <[devservices@cachecounty.org](mailto:devservices@cachecounty.org)>**Sent:** Sunday, February 21, 2021, 10:54:32 AM MST**Subject:** Logan City Composting proposed for Benson Utah - Rezone requested

Dear Development Services of the Planning and Zoning,

We are Nathan W. and Elaine Ricks, we live in Benson, Utah in close proximity to where the proposed Compost site is. We are opposed to this site being built in Benson and therefore the rezone. We have been greatly concerned about this facility being built here in our beautiful Benson, Utah. In our research, we have found the following article online and would ask that you would distribute it to all the members of the Commission. Thank you.

These are not the same articles as sent in previous emails.

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**6 attachments****CompostingArticleBiosolidsHumanwastewithtoxicchemicals.docx**

144K

**CompostingFollowupArticleUtah County residents raise stink in lawsuit 2012.docx**

17K

**CompostingLawsuitReviewTimpServiceDecember 2017 The Stench of Frivolous Lawsuits.docx**

17K

**CompostLawsuitArticleOutcomeSpecial service district reaches deal to mitigate odor in Pleasant Grove.docx**

42K

**CompostLawsuitStench from compost production prompted complaints.docx**

324K

**CompostUtahRegulationsCodeR315.docx**

20K

**Biosolids: mix human waste with  
toxic chemicals, then spread on crops**







Dairy cows rest outside at Stoneridge Farm in Arundel, Maine, in August 2019. The farm was forced to shut down after sludge spread on the land was linked to high levels of PFAS in the milk. Photograph: Robert F Bukaty/AP

Residual sludge from treating waste water has been turned into a money-spinner but what are the costs to health of ‘the most pollutant-rich manmade substance on Earth’?

**Tom Perkins**

Sat 5 Oct 2019 02.00 EDT

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•

3,348

By some estimates, Americans send about 300m pounds of feces daily from the nation’s toilets to wastewater treatment plants.



Ocean cleanup device successfully collects plastic for first time

[Read more](#)

While the water is cleaned and discharged, the remaining toxic sewage sludge stays at the treatment plant, and it’s what Sierra Club environmentalist Nancy Raine calls “the most pollutant-rich manmade substance on Earth”.

This “biosolid” sludge is expensive to dispose of because it must be landfilled, but the waste management industry is increasingly using a money-making alternative – repackaging the sludge as fertilizer and injecting it into the nation’s food chain.

Now the practice is behind a growing number of public health problems. Spreading pollutant-filled biosolids on farmland is [making people](#)

sick, contaminating drinking water and filling crops, livestock and humans with everything from pharmaceuticals to PFAS. As more biosolid-linked crises develop, some farmers and environmentalists are calling for a ban on the practice.

In 2019, about 60% of sewage sludge produced by treatment facilities will be spread on farmland and gardens, as well as schoolyards and lawns. Sludge holds nitrogen, phosphorus and other nutrients that help crops grow, so the waste management industry lightly treats it and sells it cheaply to farmers who view it as a cost-saving product.

But in fact the excrement from which sludge derives has mixed with any number of 80,000 manmade chemicals that are discharged from industry's pipes or otherwise pumped into the sewer system. By the time the mix lands in treatment plants, it can teem with pharmaceuticals, hormones, pathogens, bacteria, viruses, protozoa and parasitic worms, as well as heavy metals like lead, cadmium, arsenic or mercury. It often includes PCBs, PFAS, dioxins, BPAs and dozens of other harmful substances ranging from flame retardants to hospital waste.

"Spending billions of dollars to remove hazardous chemicals and biological wastes from water, only to spread them on soil everywhere we live, work and play defies common sense," said David Lewis, a former Environmental Protection Agency scientist who opposed spreading sludge on cropland in the mid-1990s as the agency approved the use.

Previously treatment facilities burned sludge or dumped it in the ocean, but the federal government barred the practices because doing so violated clean air rules or created marine dead zones. The EPA now insists spreading the same toxic substance on farmland is safe.

Raine questioned that conclusion, noting that there is very little regulation, very little testing and no knowing what's in each batch of sludge as compositions vary.

In what biosolid testing the EPA has conducted, it identified more than 350 pollutants. That includes 61 it classifies "as acutely hazardous, hazardous or priority pollutants", but the law requires only nine of those be removed. Moreover, the EPA and wastewater treatment plants don't test for or otherwise analyze most of the 80,000 manmade chemicals.

In a scathing 2018 report, the EPA office of inspector general noted the agency couldn't properly regulate biosolids, even if it sincerely tried, because "it

lacked the data or risk assessment tools needed to make a determination on the safety of 352 pollutants found in biosolids”.

Though regulators and industry don’t know what’s in biosolids, there’s strong evidence that it can be dangerous.

A University of North Carolina [study](#) found 75% of people living near farms that spread biosolids experienced health issues like burning eyes, nausea, vomiting, boils and rashes, while others have contracted MRSA, a penicillin-resistant “superbug”.

In South Carolina, sludge containing high levels of carcinogenic PCBs was [spread on cropland](#), and in Georgia sludge [killed cows](#). Biosolids are also thought to be partly [responsible for toxic algae blooms](#) in the Great Lakes and Florida, and biosolid treatment centers regularly [pollute the air](#) around them.



Sewage sludge from the Lapeer wastewater treatment plant in drying beds, where it is being stored until an arrangement is made for permanent disposal, in Lapeer, Michigan. State officials ordered Lapeer to stop distributing its sludge for use as farm fertilizer after it was found to contain toxic PFAS chemicals. Photograph: John Flesher/AP

Meanwhile, sewage sludge is behind a widening PFAS crisis that has contaminated farms in Maine, [Michigan](#), Wisconsin, Alabama and Florida. PFAS, or “forever chemicals”, are linked to a range of serious health problems like cancer, thyroid disorders, immune disorders and low birth weight. The chemicals are a product used to make non-stick or water-resistant products, and are found in everything from raincoats to dental floss to food packaging. Maine’s testing of 44 fields sprayed with biosolids earlier this year consistently [found alarming PFAS levels](#) in the ground, cows and [farmers’ blood](#), which forced one dairy farm to shut down.

“They’re [finding](#) kilograms of PFAS in sewage sludge when nanograms are harmful to humans, so you can’t regulate it as a fertilizer,” said Laura Orlando, a civil engineer who tracks problems with biosolids.

Still, state governments continue to allow biosolids to be spread on farmland or sold in compost. In Michigan, an environmental official [recently said](#) the state won’t test for PFAS in milk because it doesn’t want to put farmers out of business. A spokesperson for Michigan’s department of environment, Great Lakes and energy did not respond to specific questions about biosolid use, but said the state had increased PFAS testing, and in 2017 it issued suggestions for biosolids applications.

However, the Sierra Club’s Great Lakes manager, Christy McGillivray, noted that Michigan doesn’t have PFAS standards, so “that makes it impossible to regulate”. As of now, states aren’t testing for most of the thousands of chemicals known to be in sludge beyond PFAS.

Biosolids are also creating tension in some rural communities as farmers who use it pollute watersheds, contaminate neighbors’ wells or sicken neighbors.

Don Dickerson, a farmer with land in Michigan and Ohio, told the Guardian biosolid dust from an adjacent field had coated his home and crops in the substance. Paul Wohlfarth, a resident of Riga Township, Michigan, said sludge is contaminating his well, and charged that biosolids from the state’s cities were “turning Riga Township into a waste dump”.

“When you put heavy metals, PFAS, plastics, pharmaceuticals and all that in the soil, sooner or later it gets toxic, and you can’t wish that stuff away. You’re ruining the topsoil forever,” he said.

Though the government is reacting slowly or ignoring problems, companies like [Whole Foods](#), Dole, [Heinz and Del Monte](#) won't buy crops grown in biosolids, while [Switzerland](#), the Netherlands and other countries have banned it.

Still, the wastewater industry has strongly denied that health issues exist and regularly calls any contrary evidence anecdotal.

The Great Lakes water authority, which operates one of the nation's largest biosolid programs, declined interview requests from the Guardian. Despite sludge's chemical makeup, the wastewater industry bills biosolids as "green" and even [sells it](#) as organic fertilizer in stores like Walmart and Lowe's, though packaging doesn't indicate that it's composed of human and industrial waste. The waste management industry treats sludge in several ways before labeling it fertilizer – air drying, pasteurization and composting are among common methods. Lime is employed to raise the pH level to eliminate odors, and about 95% of pathogens, viruses and other organisms are killed in the process.

But Raine stressed that none of the thousands of chemicals known to be in biosolids, or tens of thousands of manmade chemicals for which the government doesn't test, are removed.

"It has a technical song that sounds pretty good. However, nothing that is done to the sludge removes the chemicals," Raine said. "They just spend a little money on PR to convince us it's nice fertilizer and fail to mention all the other things that are in it."



# Utah County residents raise stink in lawsuit over composting facility

*Court • Smell from Timpanogos Special Service District has caused illnesses, diminished property values, lawsuit claims.*

By Cimaron Neugebauer The Salt Lake Tribune

• September 26, 2012 5:14 pm

This is an archived article that was published on sltrib.com in 2012, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

Pleasant Grove business owner Jim Ferrin won't open his office window for fresh air and is shy about telling people where he spends his work days.

Possible clients who learn that Ferrin's financial planning business is located a mile east of the Timpanogos Special Service District's composting facility are quick to offer an opinion about the area: "Oh, that is where it stinks."

The stench coming from piles of heated human waste at the TSSD's composting facility has stirred up enough controversy that Ferrin, a member of Citizens for Clean Air and about 45 others including two cities, numerous businesses, and property owners, filed a lawsuit this month in 4th District Court against both the district and Utah County.

The plaintiffs are seeking more than \$350 million from the government, claiming multiple violations by TSSD and the county, including allegations that the entities are a public nuisance, private nuisance, negligence and inverse condemnation.

The putrid smell has diminished property values to the tune of more than \$75 million, the lawsuit claims. Not only does it stink, the smell has made people sick, the suit alleges.

But Jon Adams, district manager of TSSD, said the facility isn't in the wrong and is in compliance with its permit.

The TSSD began composting in 1994 on a small scale, but expanded its operation two years later. Previously farmers took the sewage and used it on their fields, or some was taken to the landfill. Now, all the material is composted.

The lawsuit demands that the county remove composting, but Adams said TSSD and the county will likely fight that idea.

"Obviously, there are some things [in the suit] we don't agree with," he said. "To our knowledge we are in full compliance with the permit."

Adams said TSSD has undergone a "significant investment" to reduce the odor over the years, including creating a tarp system to cover the compost and installing bio filters to scrub the air of the smell in a concrete box before it is released.

Those efforts, however, aren't enough to contain the smell, according to plaintiffs in the lawsuit.

American Fork city administrator Craig Whitehead said his city joined the suit to because the compost has become an economic development issue. Businesses don't want to relocate to an area where customers gag when going outside, he said.

"If we are losing business to neighboring cities because of that we want to solve the problems," said Whitehead.

Mark Robinson, owner of North Pointe business park in American Fork, describes the stench as something comparable to a "construction outhouse."

He bought the American Fork property west of the freeway near 800 East 1180 South in 2000 and built a couple of buildings on it

before he first noticed the smell. He learned TSSD was mixing compost at night and had invested a tarp system in covering the smell. It was at that point Robinson realized the construction location he picked was an "error of epic proportions" and worried about the viability of future business in the area.

Robinson's concerns are shared by Pleasant Grove City Administrator Scott Darrington. He said Adobe recently considered Pleasant Grove as a site for its expanding business in Utah County, but passed, telling the city its odors were an issue.

"That causes us heartburn when people say 'we like the site, but what about this odor, what are you going to do about it?'" Darrington said. "It is frustrating to us, because it is something we cannot control."

The city and stake holders have come together to resolve the issue, but have never been able to reach an agreement.

Ferrin and others say the composting facility emits a scent far worse than the average farm or cow manure smell.

"What I discovered here is that when it stinks here — it really stinks," Ferrin said who is from Lindon, but spends his work days in Pleasant Grove, a mile east of the TSSD by the north end of Utah Lake.

The strong odor in the near vicinity "regularly causes physical illness among residents, workers and visitors," said Ferrin and other plaintiffs in the lawsuit, according to court documents. The smell has forced a number of people to take sick days, close their office, and cancel meetings or events because of the "unpleasant nature of the odor," the lawsuit states.

The TSSD has been around for longer than most businesses filing the current lawsuit. But Utah County since 2008 has allowed for changes at the facility, including composting of hundreds of tons of humanure, which is green waste mixed with human waste sludge. The waste is stored and mixed in long rows about the

length of a football field. The cooking and mixing of the compost creates a "substantial, obnoxious and foul odor," according to court records.

The TSSD disposed of some waste in a landfill in the past, but abandoned that plan after deeming it too costly. In 2010, the city obtained a permit to discard storm water and biologically treated human waste solids into Utah Lake.

Ferrin said he's hopeful the lawsuit will put a stop to composting in Pleasant Grove.

"They shouldn't be composting at the side of the freeway at what should be multi-million dollar business park," Ferrin said adding that "it is destroying Pleasant Grove."

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December 2017 The Stench of Frivolous Lawsuits (and Human Waste) Kempton Cox Brigham Young University, kemptoncox@gmail.com Follow this and additional works at: <https://scholarsarchive.byu.edu/marriottstudentreview> Part of the Business Administration, Management, and Operations Commons, Business and Corporate Communications Commons, Civil Law Commons, and the Entrepreneurial and Small Business Operations Commons Marriott Student Review is a student journal created and published as a project for the Writing for Business Communications course at Brigham Young University (BYU). The views expressed in Marriott Student Review are not necessarily endorsed by BYU or The Church of Jesus Christ of Latter-day Saints. Recommended Citation Cox, Kempton (2017)

"The Stench of Frivolous Lawsuits (and Human Waste)," Marriott Student Review: Vol. 1 : Iss. 3 , Article 7. Available at: <https://scholarsarchive.byu.edu/marriottstudentreview/vol1/iss3/7> This Article is brought to you for free and open access by the Journals at BYU ScholarsArchive. It has been accepted for inclusion in Marriott Student Review by an authorized editor of BYU ScholarsArchive. For more information, please contact [scholarsarchive@byu.edu](mailto:scholarsarchive@byu.edu), [ellen\\_amatangelo@byu.edu](mailto:ellen_amatangelo@byu.edu). The Stench of Frivolous Lawsuits (and Human Waste) Cover Page Footnote Special thanks to Brady Brammer, JD MPA, who successfully negotiated the outcome of the Timpanogos case on behalf of the concerned citizens.

This article is available in Marriott Student Review:

<https://scholarsarchive.byu.edu/marriottstudentreview/vol1/iss3/7> 20 | MSR By Kempton Cox

I remember when the McDonald's hot coffee case hit the news. Don't we all? An elderly woman named Stella spilled hot coffee on herself, sued McDonald's, and won \$3 million. It was a hallmark of America's unhealthy love for frivolous litigation, and the case drew harsh criticism from the court of public opinion. "Uh...yep. Coffee is hot. And she spilled on herself because she was driving at the same time." I agreed with everyone else—the outcome of the case was absolutely ludicrous. But then, years later, I read the case in law school. I learned that she wasn't driving—she was the passenger. And the car was stopped. As she opened the lid, the coffee spilled, causing burns (including third-degree burns) on nearly 17% of her body. After eight days of hospitalization and undergoing painful skin grafts, she faced over two years of disability and recovery. Clearly, this was no ordinary coffee. In fact, McDonald's sold its coffee at 180 - 190 degrees Fahrenheit, far above the 130-degree industry standard. They had discovered that most people pick up coffee on the way to work, wanting it to be hot when they reach the office. So, McDonald's decided to adjust for cooling time, selling the coffee at a heat that they themselves considered "not fit for consumption."<sup>1</sup> During the ten years prior to the famous case, McDonald's received over 700 complaints from burn victims,<sup>2</sup> but McDonald's marched onward: the revenue from the hot-when-you-get-to-work coffee far outweighed the settlement payouts. Until Stella, anyway. She also offered to settle, but she wanted \$20k to cover medical costs, and they refused.<sup>3</sup> So she went to court, and the jury awarded her far more than she was asking, in part because the punitive damages were designed to discourage McDonald's from continuing its bad behavior. Oh, and that \$3 million verdict? It was equal to less than three days of coffee sales for McDonald's.<sup>4</sup> Hardly a dent.

**[Composting begin reading here]**

That's all very interesting, you say, but what does it have to do with human waste? Keep reading. In 2012, a different sort of "frivolous" lawsuit hit the fan, and this time it was close to home, at least for those of us living in Utah County.

The Timpanogos Special Service District runs a composting plant, producing some of the best compost available in the area.

But it stinks. The STENCH of Frivolous Lawsuits (and Human Waste) 1 Cox: The Stench of Frivolous Lawsuits (and Human Waste) Published by BYU ScholarsArchive, 2017 Volume I, Issue III |21

So neighbors sued. And the frivolous-lawsuit warriors began their public outcry: "This is another ridiculous lawsuit." "[R]edicolous (sic) amount of money because of a harmless smell. Next time I have to work next to someone with a B/O problem, I'll just sue." "This is always the way it is isn't it? ... The asudacity (sic) of these people is beyond hypocritical." "This is a joke of a lawsuit." "Stupid lawsuit." "Get over it." "Grow up." And on, and on, and on. And these reprimands were taken from the comment section of just one news article.<sup>5</sup> We might be inclined to agree that suing over smelly air is frivolous. We do, after all, live in a society and must suffer some minor inconveniences. But I had learned from the McDonald's case to distrust the court of public opinion and learn the facts for myself. And I did.

The composting plant had the policy of mixing one part human waste with three parts green waste. This is good composting practice, but it creates a problem: as the population grows, the compost heaps grow at a 4 - 1 ratio.

In the ten years leading up to the lawsuit, the heaps had grown from 2,000 dry metric tons to an upper estimate of 26,000.

The plant was operating 24 rows of piles, each one measuring 10 feet high, 24 feet wide, and 160 feet long. Clearly, this was no ordinary compost heap.

In fact, over one thousand complaints had come in over the years, ranging from losses in property value, to headaches, to vomiting. So, the special district reached out to everyone within a one-mile radius, trying to get them to voluntarily grant an easement for the "passage of odiferous air." The easement asked residents and property owners to accept a list of negative fallouts "including, but not limited to" headaches, bronchial malady, reduction in property value, and loss of appetite or sleep.

When nobody agreed to sign voluntarily, the district offered money in exchange for the easement.

When that failed, it sought a claim under eminent domain, suggesting that public necessity trumped private property interests. No attempt succeeded, but the plant continued to grow its operations. Then, finally, the neighbors and businesses in the area placed their legal rights into a single entity and sued the district.

To prove their case, the neighbors would need to show that the smell was past the funny level and into the dangerous level. But how does one quantify stink? Well, you call an odor expert. You can count all of America's odor experts on one hand, and they all know each other. The citizens' attorney chose to employ the expertise of Bob Bowker, the man who literally wrote the book on odor control and measurement (along with more than a dozen other publications on the subject). Bob flew from his home



in Maine, and over the course of several days, he joined the attorneys and plant administrators at the heaps, where he trapped air in sealed domes at different times—windy days, calm

To prove their case, the neighbors would need to show that the smell was past the funny level and into the dangerous level. But how does one quantify stink? 2 Marriott Student Review, Vol. 1, Iss. 3 [2017], Art. 7 <https://scholarsarchive.byu.edu/marriottstudentreview/vol1/iss3/7> 22 |

MSR days, the middle of the night, right after the heaps had been freshly stirred to release gaseous build-up, etc.

From there, the domes were shipped to a special facility in St. Croix, Minnesota, where a panel of trained smellers prepared for a long day.

This is where it gets interesting. The odiferous air is released into isolation chambers, where only the smeller's nose is permitted entry. Then, the smeller begins to introduce fresh air into the chamber, unit by unit.

When the ratio of fresh air to odiferous air is 1 - 1, the air is at one odor unit. When the ratio is increased to 2 - 1, the air is at two odor units, and so on. The trained smeller carefully identifies the moment at which enough fresh air has been introduced that the odiferous air no longer smells. The higher the odor units, the stinkier the original air is determined to have been.

The results in our case were alarming.

The industry standard for public composting is for air at the edge of the property to land between 4 - 7 odor units.

Conservative estimates of air taken from the fence line at the Timpanogos heaps placed the smell from 100 - 200 odor units. Yes, you read that correctly.

The experts also determined that regardless of whether the heaps were covered, the air a mile away was still at 30 odor units—enough for someone sensitive to smells, like a pregnant woman, to vomit.

Fortunately, the special district was reasonable, and unlike Stella and McDonald's, the two parties came to a settlement before going to trial.

As part of the agreement,

the heaps are currently stirred only at night, the green-to-human waste ratio has been increased to 5 - 1, and all composting in the area will cease by 2020.

Most people, if presented with the facts in either of these two cases, would agree that the lawsuits were not frivolous. In fact, these are precisely the types of situations for which the American system of civil litigation was established. But let this be a lesson for all of us. Don't draw your weapon in the battle against frivolous lawsuits if you haven't done your research. Oh, and don't trust the news.

References 1 “McDonalds’ Hot Coffee Case.” Texas Trial Lawyers Association. Center for Justice & Democracy. <https://www.ttla.com/index.cfm?pg=McDonaldsCoffeeCaseFacts>. 2 Ibid. 3 Ibid. 4 Ibid. 5 Penrod, Sam. “Compost Company Sued for \$425 Million over Smell in Utah County.” KSL, May 23, 2012. “Most people, if presented with the facts in either of these two cases, would agree that the lawsuits were not frivolous.

# Special service district reaches deal to mitigate odor in Pleasant Grove

- Laura Giles Correspondent
- Apr 17, 2016 Updated Nov 7, 2016
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**Buy Now**

**Machinery grinds** up green waste for composting on Tuesday, Nov. 24, 2015 at the Timpanogos Special Service District in American Fork. SPENSER HEAPS, Daily Herald  
Spenser Heaps, Daily Herald

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Pleasantness will be returning to Pleasant Grove.

That is the hope of city leaders, area residents and business owners now that they will experience a gradual decrease of an unpleasant odor that has been the subject of much discussion and debate for many years.

The Timpanogos Special Service District (TSSD) and the Citizens for Clean Air and Progress (CCAP) have reached an agreement that TSSD will phase out its composting operations that border Pleasant Grove during the next five years. TSSD provides wastewater treatment for northern Utah County cities.

The plant also has a composting operation from which it sells the compost to be used for gardens and landscaping. The compost is made from green waste and by-products from the sewer treatment plant.

“The compost is a very popular program,” said Jon Adams, TSSD general manager.  
“We sold out time after time.”

During the next five years, TSSD will continue to look into other disposal options. While composting off site is not cost effective, it might work in a partnership with another entity, Adams said.

He said TSSD has tried to do things to minimize the odor, including using covers over the compost and mixing at night. But the odor is still there, according to the members of CCAP.

In 2012, Pleasant Grove city officials joined area businesses in the CCAP with the goal of stopping the composting operations, which they said emitted the undesirable odor.

“CCAP has been seeking the cessation of composting operations by TSSD,” reads a press release from Pleasant Grove city officials. “TSSD acknowledges composting would eventually cease due to the need for future plant expansion and agrees to the phasing out of composting over the next five years.”

According to Adams, the property on which the composting is done will be needed in the future for expansion of the wastewater treatment facility.

Initially, CCAP was suing for financial damages on top of cessation of composting, according to Scott Darrington, Pleasant Grove's city administrator.

“As we were preparing for trial in October 2015, we were able to reach a settlement with TSSD,” he said. “The settlement reached was that each entity would cover their own legal costs and that there wouldn’t be any damage assessed.”

The settlement also requires that the composting will stop in the next five years.

City officials in Pleasant Grove have been concerned the odor may be deterring business development in the city.

“We had some businesses that expressed major concerns,” Darrington said. “We had some businesses that decided to locate in Pleasant Grove when they knew we were suing TSSD to have the composting removed. They were hopeful, like us, that it would eventually be removed.”

Now CCAP and Pleasant Grove City officials are looking forward to continued economic growth and future development in the area. TSSD is located at 6400 N. 5050 West in Utah County, just southwest of the Pleasant Grove city border.



# **Stench from compost production prompted complaints, now changes in the works**

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by DJ Bolerjack  
Monday, April 18th 2016

A



Volume 90%







*Stench from compost production prompted complaints, now changes in the works (Photo: DJ Bolerjack / KUTV)*

Pleasant Grove — (KUTV) After nearly three years, some by in Pleasant Grove have complained of a stench coming from the compost site in the Timpanogos special service district.

Recently, following serious discussion and a lawsuit, the district agreed to a compromise that will mitigate that odor in the near future.

Pleasant Grove City officials said those being effected by this smell are incoming contractors and businesses looking to start up on empty development which is mostly located off Interstate 15 and Pleasant Grove Boulevard.

"They would smell the compost from time to time and that was causing them to look elsewhere," said Scott Darrington, City Administrator and

representative for Citizens for Clean Air and Progress. He said in the past the smell has caused illness so something had to be done.

"We should be able to have nice clean fresh air and that was causing some problems."

Jon Adams, the District Manager, said over the last few years they've dealt with a lawsuit over this problem. Now, after the judge dealing with the lawsuit dismissed the damages, a five year plan was developed that Adams said will benefit both sides.

"We would agree to phase out of compost in the next five years. It doesn't do us any good to be at odds with the people we serve."

"The future economic development of our city has taken precedence over them," Darrington said.

*Follow D.J. Bolerjack on Twitter [@DJBolerjack](https://twitter.com/DJBolerjack) for breaking news, updates and more.*

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

## Rule R315-312. Recycling and Composting Facility Standards.

As in effect on January 1, 2020

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- [R315-312-1. Applicability.](#)
- [R315-312-2. Recycling and Composting Requirements.](#)
- [R315-312-3. Composting Requirements.](#)
- [R315-312-4. Requirements for Use on Land of Sewage Sludge, Woodwaste, and Other Organic Sludge.](#)
- [KEY](#)
- [Date of Enactment or Last Substantive Amendment](#)
- [Notice of Continuation](#)
- [Authorizing, Implemented, or Interpreted Law](#)

### R315-312-1. Applicability.

(1) The standards of Rule R315-312 apply to any facility engaged in recycling or utilization of solid waste on the land including:

(a) composting;

(b) utilization of organic sludge, other than domestic sewage sludge and septage, and untreated woodwaste on land for beneficial use; and

(c) accumulation of wastes in piles for recycling or utilization.

(2) These standards do not apply to:

(a) animal feeding operations, including dairies, that compost exclusively manure and vegetative material and meet the composting standards of a Comprehensive Nutrient Management Plan;

(b) other composting operations in which waste from on-site is composted and the finished compost is used on-site; or

(c) hazardous waste.

(3) These standards do not apply to any facility that recycles or utilizes solid wastes solely in containers, tanks, vessels, or in any enclosed building, including buy-back recycling centers.

(4) The composting of domestic sewage sludge, on the site of its generation, is exempt from the requirements of Rule R315-312 but is regulated under the applicable requirements of Rule R317-8 and 40 CFR 503 by the Utah Division of Water Quality.

## **R315-312-2. Recycling and Composting Requirements.**

(1) Any recycling or composting facility shall meet the requirements of Section R315-302-2, and shall submit a general plan of operation and such other information as requested by the Director prior to the commencement of any recycling operation.

(2) Each applicable recycling or composting facility shall submit a certification that the facility has, during the past year, operated according to the submitted plan of operation to the Director by March 1 of each year.

(3) Any facility storing materials in outdoor piles for the purpose of recycling shall be considered to be disposing of solid waste if:

(a) at least 50% of the material on hand at the beginning of a year at the facility has not been shown to have been recycled by the end of that year and any material has been on-site more than two years unless a longer period is approved by the Director; or

(b) ground water or surface water, air, or land contamination has occurred or is likely to occur under current conditions of storage.

(c) Upon a determination by the Director or his authorized representative that the limits of Subsection R315-312-2(3)(a) or (b) have been exceeded, the Director may require a permit application and issuance of a permit as a solid waste disposal facility.

(4) Any recycling or composting facility may be required to provide financial assurance for clean-up and closure of the site as determined by the Director.

(5) Tires stored in piles for the purpose of recycling at a tire recycling facility shall be subject to the requirements of Section R315-314-3.

## **R315-312-3. Composting Requirements.**

(1) No new composting facility shall be located in the following areas:

(a) wetlands, watercourses, or floodplains; or

(b) within 500 feet of any permanent residence, school, hospital, institution, office building, restaurant, or church.

(2) Each new compost facility shall meet the requirements of Subsection R315-302-1(2)(f)



(3) Each owner or operator of a composting facility, in addition to the operational plan required in Subsection R315-312-2(1), shall develop, keep on file, and abide by a plan that addresses:

(a) detailed plans and specifications for the entire composting facility including manufacturer's performance data for equipment;

(b) methods of measuring, grinding or shredding, mixing, and proportioning input materials;

(c) a description and location of temperature and other types of monitoring equipment and the frequency of monitoring;

(d) a description of any additive material, including its origin, quantity, quality, and frequency of use;

(e) special precautions or procedures for operation during wind, heavy rain, snow, and freezing conditions;

(f) estimated composting time duration, which is the time period from initiation of the composting process to completion;

(g) for windrow systems, the windrow construction, including width, length, and height;

(h) the method of aeration, including turning frequency or mechanical aeration equipment and aeration capacity; and

(i) a description of the ultimate use for the finished compost, the method for removal from the site, and a plan for the disposal of the finished compost that can not be used in the expected manner due to poor quality or change in market conditions.

(4) Composting Facility Operation Requirements.

(a) Operational records must be maintained during the life of the facility and during the post-closure care period, which include, at a minimum, temperature data and quantity and types of material processed.

(b) All waste materials collected for the purpose of processing must be processed within two years or as provided in the plan of operation.

(c) All materials not destined for processing must be properly disposed.

(d) Turning frequency of the compost must be sufficient to maintain aerobic conditions and to produce a compost product in the desired time frame.

(e) During the composting process, the compost must:

(i) maintain a temperature between 104 and 149 degrees Fahrenheit (40 and 65 degrees Celsius) for a period of not less than five days; and

(ii) reach a temperature of not less than 131 degrees F (55 degrees C) for a consecutive period of not less than four hours during the five day period.

(f) The following wastes may not be accepted for composting:

(i) asbestos waste;

(ii) Hazardous waste;

(iii) waste containing PCBs; or

(iv) treated wood.

(g) Any composting facility utilizing municipal solid waste, municipal sewage treatment sludge, water treatment sludge, or septage shall require the generator to characterize the material and certify that any material used is nonhazardous, contains no PCB's, and contains no treated wood.

(h) If the composting operation will be utilizing domestic sewage sludge, septage, or municipal solid waste:

(i) compost piles or windrows shall be placed upon a surface such as sealed concrete, asphalt, clay, or an artificial liner underlying the pile or windrow, to prevent contamination of subsurface soil, ground water, or both and to allow collection of run-off and leachate. The liner shall be of sufficient thickness and strength to withstand stresses imposed by compost handling vehicles and the compost itself;

(ii) run-off systems shall be designed, installed and maintained to control and collect the run-off from a 25-year storm event;

(iii) the collected leachate shall be treated in a manner approved by the Director; and

(iv) run-on prevention systems shall be designed, constructed, and maintained to divert the maximum flow from a 25-year storm event.

(i) If the Director determines that a composting operation, which composts materials other than domestic sewage sludge, septage, or municipal solid waste, is likely to produce a leachate that in combination with the hydrologic, geologic, and climatic factors of the site will present a threat to human health or the environment, the Director may require the owner or operator of the composting facility to meet the requirements specified in Subsection R315-312-3(4)(h).

(j) The finished compost must contain no sharp inorganic objects and must be sufficiently stable that it can be stored or applied to land without creating a nuisance, environmental threat, or a hazard to health.

(5) Composting Facility Closure and Post-closure Requirements.

(a) Within 30 days of closure, a composting facility shall:

(i) remove all piles, windrows, and any other compost material on the composting facility's property;

(ii) remove or revegetate compacted compost material that may be left on the land;

(iii) drain ponds or leachate collection system if any, back-fill, and assure removed contents are properly disposed;

(iv) cover if necessary; and

(v) record with the county recorder as part of the record of title, a plat and statement of fact that the property has been used as a composting facility.

(b) The post-closure care and monitoring shall be for five years and shall consist of:

(i) the maintenance of any monitoring equipment and sampling and testing schedules as required by the Director; and

(ii) inspection and maintenance of any cover material.

### **R315-312-4. Requirements for Use on Land of Sewage Sludge, Woodwaste, and Other Organic Sludge.**

(1) Any facility using domestic sewage sludge or septage on land is exempt from the requirements of Section R315-312-4 when the facility has a permit or other approval under the applicable requirements of Rule R317-8 and 40 CFR 503 issued by the Utah Division of Water Quality.

(2) Any facility using organic sludge, other than domestic sewage sludge or septage, or untreated woodwaste on land shall comply with the recycling standards of Section R315-312-2.

(3) Only agricultural or silvicultural sites where organic sludge or untreated woodwaste is demonstrated to have soil conditioning or fertilizer value shall be acceptable for use under this subsection, provided that the sludge or woodwaste is applied as a soil conditioner or fertilizer in accordance with accepted agricultural and silvicultural practice.

(4) A facility using organic sludge or untreated woodwaste on the land in a manner not consistent with the requirements of Section R315-312-4 must meet the standards of Rule R315-307.

## KEY

solid waste management, waste disposal

## Date of Enactment or Last Substantive Amendment

April 25, 2013

## Notice of Continuation

January 12, 2018

## Authorizing, Implemented, or Interpreted Law

19-6-105; 19-6-108

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## Additional Information

### CONTACT

For questions regarding the *content* or *application* of rules under Title R315, please contact the promulgating agency (Environmental Quality, Waste Management and Radiation Control, Waste Management). A list of agencies with links to their homepages is available at <http://www.utah.gov/government/agencylist.html> or from <https://rules.utah.gov/help-rules-who-to-contact/>.



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Fw: Logan City Human Waste Compost site - Benson Utah**

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Clara Donna &lt;cobra84321@yahoo.com&gt;

Mon, Feb 22, 2021 at 10:25 AM


To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

----- Forwarded Message -----

**From:** Clara Donna <cobra84321@yahoo.com>**To:** [devservices@cachecounty.org](mailto:devservices@cachecounty.org) <[devservices@cachecounty.org](mailto:devservices@cachecounty.org)>**Sent:** Saturday, February 20, 2021, 10:49:49 AM MST**Subject:** Logan City Human Waste Compost site - Benson Utah

Dear Members of the Planning and Zoning,

We are Nathan W. and Elaine Ricks, we live in Benson, Utah in close proximity to where the proposed Compost site is. We are opposed to this site being built in Benson. We have been greatly concerned about this facility being built her in our beautiful Benson, Utah. In our research, we have found the following article online and would ask that you would distribute it to all the members of the Commission. Thank you.

 Compost company sued for \$425 million over smell in Utah County

## Compost company sued for \$425 million over smell in Utah County

By Sam Penrod | Posted - May 23, 2012 at 7:05 p.m.

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 10 photos

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108

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This archived news story is available only for your personal, non-commercial use. Information in the story may be outdated or superseded by additional information. Reading or replaying the story in its archived form does not constitute a republication of the story.

AMERICAN FORK — A new lawsuit claims a compost facility in Utah County has or will cause \$425 million dollars in damages to business in the area because of the smell.

Most of the complaints are coming from an office complex about a half-mile north of the publicly-owned compost facility and wastewater treatment plant. The property owner and nearby cities are filing a lawsuit over what they call a foul smell.

It has a reputation as the best compost around, to help your flowers grow and the vegetables in your garden to flourish-but for the neighbors of the Timpanogos Special Service District, the odor from the compost piles, is at times too much.

"When the wind blows in the wrong direction, I get emails, I get phone calls and we've been promised so many times this is going to stop," said developer Mark Robinson.

When the wastewater plant was built, it was in an open area, far away from any business. But over the past decade, businesses and office complexes have sprouted closer to the plant, which composts human waste with tree limbs and other green waste.

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""The problem that we have now is that we have stigma that it smells in American Fork and Pleasant Grove and therefore we are having a difficult time getting new tenants and some of our larger tenants, if we don't fix this problem, they are not going to renew." Mark Robinson"

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"The problem that we have now is that we have stigma that it smells in American Fork and Pleasant Grove and therefore we are having a difficult time getting new tenants and some of our larger tenants, if we don't fix this problem, they are not going to renew," Robinson said.

The irony is that those suing the facility are also partners in it. But American Fork and Pleasant Grove cities say they can't get the other municipalities to stop the composting, which they claim is costing them millions in lost tax revenue.

"When the wind blows or things smell, it moves right into Pleasant Grove and into American Fork, and that becomes our issue," said Pleasant Grove City administrator Scott Darrington.

The facility operator said \$16 million have been invested to improve the composting process, which helps to dispose of human waste.


The \$425 million dollar lawsuit may just be an attention getter to stop the facility from composting on this site. The plaintiffs want the composting to be moved to a different location, or have the human waste hauled to the landfill.

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## PHOTOS

Photo 1 of 10



placeholder



RELATED STORIES

Something's rotten in the west of Salt Lake Valley, resident says

**Something's rotten in the west of Salt Lake Valley, resident says**

Scott Woodruff, a proud West Valley City resident, is taking on the horrific stench that often fouls his air.



Angie Zetterquist <angie.zetterquist@cachecounty.org>

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## Opposition to Benson sludge Pond

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**brent ballard** <brentpigs5@gmail.com>  
To: angie.zetterquist@cachecounty.org

Mon, Feb 22, 2021 at 12:00 PM

Hi angie,  
Thank you for your time in this matter. I live in Benson and it saddens me to see that we are being looked at to become Logan's dump yard. If I'm not mistaken, there are several creeks in that area and the water table is high. Would this not contaminate the water with human waste? There are many reasons to not build this. Benson residents are furious about this. Please protect us from this project. Thank you.



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Oppose rezone toilet bowl**

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**Aurelia Hyer** <cahyer@yahoo.com>  
To: angie.zetterquist@cachecounty.org  
Cc: Aurelia Hyer <cahyer@yahoo.com>

Mon, Feb 22, 2021 at 1:52 PM

There are so many other places to do this rezone, we can't even use it plus we are paying for it. How unfair to dump this on us, without conceding the people of Benson. We already get the smell at times. We should have a lot of say, would you like this in your back yard?

There is a lot of young families with beautiful new homes, with lots of young children living out here. I'm retired, my husband and I have poor health, we do not need more problems put on us or our neighbours. We have high water tables and flood quite often, then have poop water coming in our basement? Please consider a place not close to homes and children.

Sincerely,

Aurelia Thatcher Hyer



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Compost facility in Benson**

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**Laurinda Billings** <laurinda001@netscape.net>

Tue, Feb 23, 2021 at 8:52 PM

To: angie.zetterquist@cachecounty.org

To whom it may concern,

I am a resident of Benson and I want to express my opinion of the compost facility being placed in Benson. This community is well loved and treasured by its residents and certainly DO NOT want a sewer plant to contaminate the air! It is a beautiful place and building such a putrid smelling facility in Benson is appalling! We in Benson do not want to be Cache valley's toilet now or in the future! Please cancel the project and allow us to live here without the horrendous odor that would come with the sewer plant.

Sincerely,

Mrs. Laurinda Billings

Concerned Benson resident

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Fwd: Logan City Requested rezone on 3200 West for composing facility**

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**Paul Johnson** <paulj@cachebroadband.com>  
To: angie.zetterquist@cachecounty.org

Mon, Feb 22, 2021 at 10:03 AM

Sent from my iPhone

Begin forwarded message:

**From:** Paul Johnson <paulj@cachebroadband.com>  
**Date:** February 21, 2021 at 12:37:21 PM MST  
**To:** devservices@cachecounty.org  
**Subject:** Logan City Requested rezone on 3200 West for composing facility

We live in Benson at [3780 W 3000 N](#). We don't want another smelly Logan City operation near our homes. We already have the sewer lagoons and finishing lagoons Logan City owns near us. We get enough bad odor and insect swarms from those facilities. There are other places farther from homes and roadways that can be used as not to impact neighborhoods with bad odor and insect infestation. We already have enough of Logan City's impacts here. The impacts devalue our property and effect our lives. There are State Laws regulating odor. Would you want this near your home? Let them look for a better location, don't just look at their best cost benefit for the city. Make them take some responsibility.

This operation will also effect wetlands and a nearby stream. A drier area would be much better for the environment, fowl and wildlife.

Paul and Debra Johnson.

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**(no subject)****DeAnna Shaw** <deannaleeshaw@gmail.com>

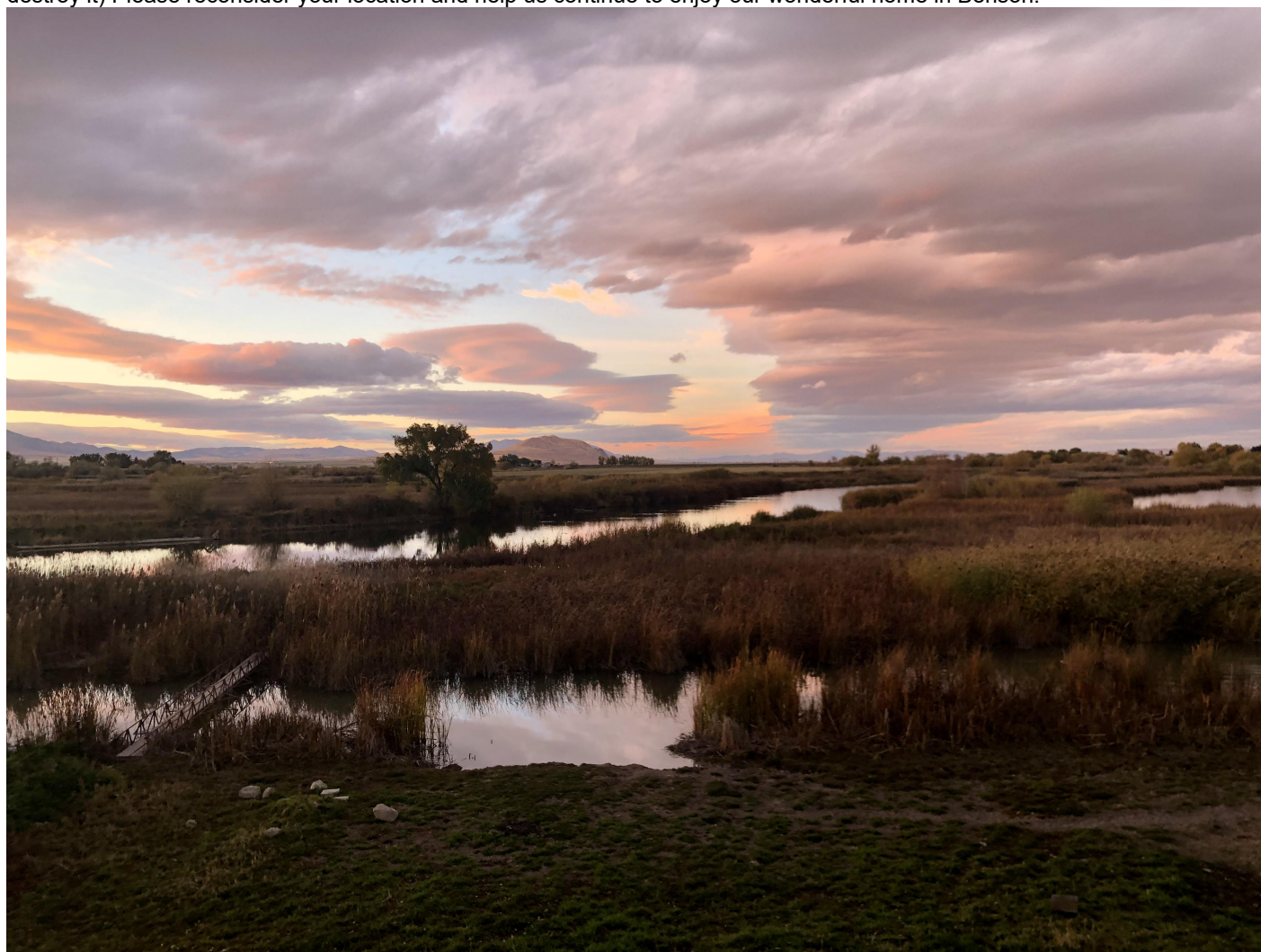
Tue, Feb 23, 2021 at 6:02 PM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

Hello. I have recently heard about the compost facility being proposed close to my home. I have concerns about health, smell and property values that would take place if such a place were put in.

I find it crazy as well that we are being charged extra to help pay for it! We spent thousands of dollars to put in our own drain field in our yard and now we are paying for a facility we will never use, but instead will throw all the crap in our neighborhood. Ha ha ha. It's absolutely crazy.

We live in such a beautiful area, it would be such a shame to destroy it with something like this. (And yes, the smell would destroy it) Please reconsider your location and help us continue to enjoy our wonderful home in Benson.



Sincerely, DeAnna Shaw

--

**DeAnna Shaw**





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Human waste rezone in Benson**

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**Lorie Ballard** <ljbballard79@gmail.com>

Mon, Feb 22, 2021 at 12:34 PM

To: angie.zetterquist@cachecounty.org

To whom it may concern:

I am writing to oppose the plan to realign boundaries for the composting of human waste. I am a resident of Benson, UT and I am opposed for the following reasons:

1. Logan city dumping their problems onto outlying farm land cities and territories.
2. Property values decreasing due to the smell.
3. Smell and health risks associated with human waste leaching into ground water and other unforeseen issues.
4. Proximity to existing homes.
5. Increase in pests and vermin.
6. Toxic chemicals used in the process.

Please take into consideration the opinions of the property owners in the Benson area before moving on this matter.

Sincerely,

Riley and Lorie Ballard  
-Benson Property owners and residents

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Letter to Planning & Zoning Commission re: Compost site in Benson**

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**Katie Fuller** <katiefuller10@gmail.com>

Mon, Feb 22, 2021 at 10:58 AM

To: angie.zetterquist@cachecounty.org

Dear Commissioners,

My name is Katie Fuller and I live in Benson, Utah. I am opposed to the rezone of 47 acres in Benson that Logan City is seeking for their new composting facility. I have many objections, but the main one is I don't understand why this is Benson's problem! The biosolids that will be added to the compost do not come from Benson at all--we all have septic tanks and will not contribute to the waste. Logan City should keep their waste on their own land, not pawn it off for others to smell and deal with. Logan City claims they have nowhere else to put their new composting facility, but that is just an excuse. We all know they own lots of land. They are placing their problems on your shoulders, which isn't right.

I have obvious concerns about the stench that will pervade Benson if this rezone is allowed to happen. Property values will plummet in Benson. Benson is next in line for future growth, as the city creeps further west. But once people build here they will realize their fatal mistake and have to sell at a loss.

In Utah County, Timpanogos Special Service District was sued for \$425M because of the stink created from human waste composting (or humanure). Here are some links to some articles detailing the damages done to citizens and business:

[https://www.heraldextra.com/news/local/lawsuit-over-sewer-stink-alleges-425m-in-damages/article\\_32b1c445-9c77-5566-afb7-4389097cf891.html](https://www.heraldextra.com/news/local/lawsuit-over-sewer-stink-alleges-425m-in-damages/article_32b1c445-9c77-5566-afb7-4389097cf891.html)

<https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1053&context=marriottstudentreview>

I will be informing as many people as possible about the toxic nature of "humanure". My hope is to eliminate the market in Cache Valley for this human waste compost. There are more than 80,000 manmade chemicals that are flushed down toilets each day and end up in biosludge. The biosludge is not tested for these chemicals and they are not removed before they are composted. Composting does not clean them out, so they are spread on gardens and fields. They are then eaten by humans or animals (who are then eaten by humans) and those concentrated chemicals will make people sick. Here is a link to an article explaining this:

<https://www.theguardian.com/environment/2019/oct/05/biosolids-toxic-chemicals-pollution>

Additionally, the 47 acres in Benson are probably wetlands and sit right next to a waterway that drains into Cutler Reservoir. I know Logan City intends to contain runoff, but it is incredibly wet out here and that will be very difficult to accomplish. Trust me--we all squish around in our yards and fields every spring! We sump pump water out of our crawl spaces every single spring.

If Logan City wants to compost human waste, they should do it far, far away from homes, farms, and businesses. Please vote no on the rezone!

Thank you for your time and consideration,

Katie Fuller



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Benson Compost facility**

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**R Johnson** <randykay700@live.com>

Mon, Feb 22, 2021 at 1:12 PM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;

My name is Randy Johnson and I reside in Benson, Utah. I am strongly opposing the proposed rezoning of 47 acres in Benson for a composting facility for Logan City. I don't want our property values negatively effected and don't want the horrible smell as I travel that road daily for work and commuting. The ground water will be affected by contamination, the wetlands destroyed, the cache valley hunter education complex negatively affected and safety hazards in the extremely dense fog situations. I think there many important reasons this human waste should be moved to an area where it doesn't negatively affect the environment and safety of Benson residents and visitors.

Sent from [Mail](#) for Windows 10



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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## Rezone for Human Waste Composte Site

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Pam Hyde &lt;phyde09@gmail.com&gt;

Mon, Feb 22, 2021 at 11:41 AM

To: angie.zetterquist@cachecounty.org

My name is Pamela Hyde and I live in Benson, Utah. I'm writing to say I am extremely opposed to the rezone of 47 acres here in Benson for a human compost facility for Logan City.

#1- the area is PROTECTED WETLANDS and under Utah STATE CODE R315-312 it is PROHIBITED TO HAVE SUCH A FACILITY ON PROTECTED WETLANDS!

#2- It is known that human waste composting makes people sick and has many harmful chemicals. A company in Utah County was sued for their facility making citizens in American Fork and Pleasant Grove sick. The citizens also won that lawsuit and the company can now no longer use human waste.

#3- There are PLENTY of other areas INSIDE LOGAN CITY where they can place this facility.

I ask this question. If Logan City does not want this type of facility in their city, or their citizens to smell & become ill from their own waste; what in the world makes you think the residents in Benson want to smell or become sick from it? I have lived in Benson since 2007, moving here from my hometown of Lewiston, UT. I chose Benson because, like Lewiston, is a small country close knit farming community with clean open ares perfect for raising my three children. It is bad enough that Cache County has some of the worst air quality in winter months which highly effect my 11 year old daughter's breathing. To add a disgusting composting facility that is KNOWN to make people sick on top of that?! Especially when Logan City apparently does not want it in their backyard and wants to make others in their community sick?! It is just wrong and highly immoral.

I am urging you all to ponder this and to reconsider this kind of facility being placed here in Benson, let alone anywhere in our beautiful Cache County.

Thank You for your time.

Sincerely,  
Pamela Hyde



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Keep Benson Beautiful**

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**Susan Curtis** <sandys.haven2018@gmail.com>

Mon, Feb 22, 2021 at 10:18 AM

To: angie.zetterquist@cachecounty.org

Cc: devservices@cachecounty.org

My name is Susan Curtis. My board and I operate a nonprofit animal sanctuary and wildlife rehabilitation center and do business with many residents of Benson, Utah.

We are opposed to the rezoning of 47 acres in Benson for a compost facility for Logan City.

This is agricultural land with protected wetland. The impact of allowing a human waste composting operation in this beautiful area would be devastating to everyone involved especially the wildlife!

Thank you for your consideration,

Susan Curtis, Director Sandy's Haven

Kyle Walker, VP Sandy's Haven

Josh Merrill, Treasurer Sandy's Haven

Carolyn Gunter, Board Member

Cindy Gill, Board Member

Kathy Ashcroft, Board Member

Patrick Huffcutt, Board Member

Miguel Sanchez, Board Member

Jody Curtis, Operations Manager Sandy's Haven (not board member)



Angie Zetterquist <angie.zetterquist@cachecounty.org>

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## Human Waste Facility

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**Lindsay Hull** <lrhull44@gmail.com>  
To: angie.zetterquist@cachecounty.org

Wed, Feb 24, 2021 at 9:48 AM

Dear Angie,

I am a resident of Benson, UT and I speak for the rest of my family of six members, we do not want a human waste facility in our community or the surrounding areas. Please take my feelings as well as my family's feelings in consideration when deciding on this proposal. We are adamantly against it. It doesn't make sense to place such a project near residential areas.

Thank you for your time.  
Lindsay Hull





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Vote no to rezoning for composting site.**

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Trevor M. &lt;trevormaughan@hotmail.com&gt;

Wed, Feb 24, 2021 at 10:21 AM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;, "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

*Good morning,**I am emailing regarding the new composting site that logan city is trying to build. I personally live and grown up in and around Benson. There is no solid proof that will prove the plant will be safe or not. I, just like everyone else, would want their kids to grow up healthy and safe. The food we eat is already getting treated with stuff that can harm us, we do not need a plant that will be causing greater harm to everyone. The studies that relate to composting sludge sites show numerus problems. Not to even mention the smell that would come from the plant. Yes, Logan City has already established sewage ponds in Benson. That smell can be violent already. There is a lot of hunters and ranchers that use that land for their lifestyle. Increasing the zoning for this plant would hinder both of those groups. Further taking away food from our own families. In Benson and surrounding towns, the water table is higher than other places hence all the flooding. With a sewage treatment/composting plant how would this effect the water supply for the entire county? Would you want your family eating food that has been watered, treated, and grown in sewage sludge? These are not just my concerns but also everyone else that lives in and around the valley, or at least the ones that will be affected by it.*

Very Respectfully,  
Trevor Maughan  
Cell#: 435-757-3394



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Rezoning of a 47 acer piece of ground in Benson Utah by Logan City for the purpose of human waste composting**

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**Dean Ricks** <dricks154@gmail.com>  
To: angie.zetterquist@cachecounty.org

Thu, Feb 25, 2021 at 9:23 AM

February 25, 2021  
Development Services of Cache County.

To whom it may concern.

We live in Benson Utah, Cache County.

We are Vehemently opposed to the pur-posed rezoning of 47 acer"s of Ag land in Benson by Logan City for the purpose of building a Human Waste Composting Site in Benson around the 3200 West area.

Were very opposed to the stench, concerns of health and safety, and property devaluation of such sites.

We've studied other projects similar to this in Utah and around the country and prefer not to be involved in litigation associated before or after the fact.

Again we are Vehemently opposed along with all of our good friends and neighbors living in Benson and the surrounding area.

Respectfully hear our concerns and respect our desire to live in the Beautiful Benson community without the concerns of illnesses, stench, health and safety and property devaluation associated with such sites.

Dean & Linda Ricks [3900 West 3000 North Benson Utah](#)

Abhishek & Brittney Ajri [3872 West 3000 North Benson Utah](#)



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Opposed to 47 acre rezone**

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**BILL CHAMBERS** <yamfamchambers@yahoo.com>  
To: angie.zetterquist@cachecounty.org

Mon, Mar 1, 2021 at 7:32 AM

My name is Kristy Chambers and I live in Benson, Utah, 1 mile from the proposed rezone. I would like to say I am opposed to the rezone of 47 acres in Benson for a compost facility for Logan City.

It is very concerning to have it in our area. Most springs, we get rapid snow melt which floods the area. I don't think having human waste compost floating around while waiting for it to become 50 degrees is going to work. It is very concerning to me also that it will sit most of the winter because the weather is not going to get warm enough to be able to compost your human poop. You say it will be a little smell but I think it is going to be more than a little smell. I walk by this land almost everyday. I drive past it to go to work. Please put it in another area. Designate this land wet lands and move it closer to your facility. You would save money not having to haul it so far, which brings up another issue. The valley view is a busy sometimes dangerous road. There is no turn lane to turn down 3200 west. You put yourself in danger making the turn. The side has many pot holes that no one seems to want to fix. This road would become even more dangerous with all the equipment hauling the debris to the facility.

Please use another way to get rid of this waste. There are more options than just this one that we heard at the meeting. We shouldn't have to pay for something that we don't use.

Thank you, Kristy Chambers

[Sent from Yahoo Mail for iPhone](#)



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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## Proposed Benson Compost Site

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**Paul Higley** <paulhigleyconstruction@yahoo.com>

Sun, Feb 28, 2021 at 11:50 AM

To: "angie.zetterquist@cachecounty.org" &lt;angie.zetterquist@cachecounty.org&gt;, "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

My name is Paul Higley and I live in Benson, UT. I am opposed to the rezone of 47 acres in Benson for a compost facility. Living less than two miles from the proposed site is a huge concern to me. Benson is mostly wetlands. Do we really want this contaminating not only the river but our wells and irrigation water? Shouldn't there be some kind of impact study done before this can be approved? There is no way this won't leach into the soil.

This is Logan City's waste. Why isn't it being kept in Logan City? Benson is not Logan City's dumping ground.

Our properties will lose value and the smell will be atrocious. Not to mention the risk for disease

Sincerely,  
Paul Higley  
[3105 N 3200 W](#)  
[Benson UT 84335](#)



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

---

## Rezone

pkhigley@juno.com <pkhigley@juno.com>

Sun, Feb 28, 2021 at 11:45 AM

To: angie.zetterquist@cachecounty.org, devservices@cachecounty.org

My name is Kari Higley and I live in Benson, UT. I am opposed to the rezone of 47 acres in Benson for a compost facility. Living less than two miles from the proposed site is a huge concern to me. Benson is mostly wetlands. Do we really want this contaminating not only the river but our wells and irrigation water? Shouldn't there be some kind of impact study done before this can be approved? There is no way this won't leach into the soil.

This is Logan City's waste. Why isn't it being kept in Logan City? Benson is not Logan City's dumping ground.

Our properties will lose value and the smell will be atrocious. Not to mention the risk for disease

Sincerely,  
Kari Higley  
[3105 N 3200 W](#)  
[Benson UT 84335](#)

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To Whom It May Concern:

I am writing to express my concern with cash counties intent to use 47 acres in Benson UT to dispose of human waste. I am a resident of Benson and am opposed to this proposal. Our groundwater in Benson is very high, and the field that has been proposed for use has standing water on it at various times during the year. The area also serves as a bird refuge for several different species of birds throughout the year. How will this proposal affect the well-being of the bird population - most importantly the reproduction? Other concerns include livestock that waters close to the proposed site and seepage into Cutler reservoir.

My family moved to Cache County six years ago. We moved from Tooele County, who uses a similar process for disposing of human waste. Our home was approximately 5 miles from the site where human waste was dumped but the smell was still overwhelming. On the day of the dump, you could smell it with the house windows open. If the wind happened to be blowing, this dent was so unbearable we would be unable to do anything in the yard or have the house windows open. Our home here in Benson is less than two miles from the proposed site.

Spanish Fork also pushed through a similar disposal method and was met with strong resistance from citizens. They have since negotiated and can no longer dump and had to have the site cleaned up by the end of last year. I urged the council to learn From Spanish fork.

In conclusion, I ask you to consider the impact this decision will have on the environment, the community of Benson. Consider your reaction if this was your backyard.

Thank you,

Kym McClimans  
3980 W 3000 N  
Benson, UT 84335  
(435) 830-2919  
kymdmc@gmail.com





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Logan City Rezone for composting on 3200 West near Benson**

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**Paul Johnson** <1paulj2000@gmail.com>  
To: angie.zetterquist@cachecounty.org

Sat, Feb 27, 2021 at 11:32 AM

My name is Margaret Lofthouse. I live at 4064 W 3000 N in Benson. I oppose the rezone on 3200 West for human waste composting. Composting of human waste would give off a very bad odor not compatible near a residential area. It would also be a haven for many insects. The reason we have zoning is to keep these types of processes away from where people live and work. Rezoning should not go against what communities want. They can put this on top of the old landfill they are closing. In the community generating the waste. Or somewhere away from communities all together.

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Objection to Benson Rezone for Compost Facility**

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**Cameron Looney** <cameron.t.looney@gmail.com>  
To: angie.zetterquist@cachecounty.org

Mon, Mar 1, 2021 at 11:45 AM

To Whom It May Concern,

We live in Benson Utah, Cache County. I would like to add my family's objections to the many other objections undoubtedly already noted to the rezoning and repurposing of land in Benson for creation of a composting site.

We are Vehemently opposed to the purposed rezoning of 47 acer"s of Ag land in Benson by Logan City for the purpose of building a Human Waste Composting Site in Benson around the 3200 West area. We present the following concerns:

1. There is a real concern for health and safety for the surrounding community, especially housing that would be adjacent to the proposed site. We've studied other projects similar to this in Utah and around the country and found that sites such as this located as close to neighborhoods as proposed by Logan City not only create unwanted smells, but more importantly foster true health concerns for families that live nearby.
2. We prefer not to be involved in litigation associated before or after the fact. It is our opinion that such litigation is a waste of time for the City and all parties involved.
3. Surely there are other sites in Cache Valley that are less populated and more suited to this type of facility. Less populated sites would decrease any risk of health issues now and in the future as the valley continues to grow.
4. The proposed site is at the gateway to Benson, a beautiful part of Cache Valley. Do we really want visitors to Benson and Cache Valley get this composting facility as a first impression? What if we were to build a composting facility in Wellsville, right as visitors enter the valley? Or what if we were to build this facility at one of the vacant lots on the south end of Logan where visitors to Logan would see this first. What kind of impression does that make to the tourism industry that is a \$11+ million dollar annual revenue to Cache Valley?

Again we are Vehemently opposed along with all of our good friends and neighbors living in Benson and the surrounding area.

Respectfully hear our concerns and respect our desire to live in the Beautiful Benson community and keep Beautiful Downtown Benson clean and appealing without the concerns of illnesses, stench, health and safety and property devaluation associated with such sites.

Thank you for your consideration,

Cameron and Nicole Looney

435-232-6559  
[cameron.t.looney@gmail.com](mailto:cameron.t.looney@gmail.com)



TO: Cache County Planning Commission

RE: Support Conditional Use Permit for Biosolids Composting

Date: March 1, 2021

The Board of Trustees of the Bridgerland Audubon Society supports approval of a Conditional Use Permit for the City of Logan Biosolids Composting Facility. Composting is a beneficial recycling of processed waste product from the mechanical Wastewater Treatment Facility. The dewatered biosolids have already been “digested” by beneficial microbes in the wastewater treatment process, and composting this product with two parts wood chips makes a marketable product. The disposal alternative would be far less desirable from economic and environmental perspectives, and would emit more methane.

The Sierra Club is opposed to the surface application of sludge,\*\*\* so the composting facility is a much better choice than surface application at the Polishing Ponds property, and composting will emit far fewer gasses such as methane. Also, the 460 acres of Sewage Lagoons will no longer process raw sewage, which will reduce odors in the valley.

Composting and sale of biosolids has been a standard practice for nearly a century: Milorganite, sold nationwide in Box Stores, was named in a contest in 1925, and is a portmanteau for the term Milwaukee Organic Nitrogen.

The Conditional Use Permit to establish the City of Logan Biosolids Composting Facility is the most environmentally sound option, resulting in recycling rather than disposal, and, importantly, less release of methane.

Sincerely,

*Hilary C.F. Shughart*

Hilary C. F. Shughart, President

Bridgerland Audubon Society

Protecting the Nature of Utah for people and wildlife.

\*\*\*Ban Surface-Application of Sludge, especially on Grazing Pastures, March 4, 2016

<https://content.sierraclub.org/grassrootsnetwork/documents/ban-surface-application-sludge-especially-grazing-pastures>



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Human Waste Composting Facility Proposal

1 message

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**Kimber Johnson** <ksjohnson1000@gmail.com>

Mon, Mar 1, 2021 at 6:20 PM

To: devservices@cachecounty.org

Benson is a community rich with farming and outdoor recreation. It is not a place of indoor offices with controlled environments and air purifiers. We and the people who come here to enjoy the beauties and resources of the great outdoors work and recreate outside. Besides the many farmers that live and work here, our community has been a popular destination for hunting, fishing, birdwatching, cyclists, and watersports including boating, waterskiing, canoeing and kayaking, etc., for generations. All done in the great outdoors. This adds a great and important depth to the quality of life and enjoyment that comes from living in this beautiful valley not only for the residence of Benson, but for all who come here to relax and enjoy the beauty and natural resources of this area.

I am a great fan of recycling and composting, but if such a facility were to be put here to compost human waste, which anyone who has visited an outhouse knows is especially rank in its odors, all of these activities would be jeopardized, because of the stench, flies and other vermin that would be created by this facility.

The predominant wind that comes during the summer is from the south and this facility would be placed directly to the south of our community. Summer is when the smells would be the most revolting and vile and summer is when people are especially drawn to the many great outdoor activities here in Benson. The wind would then carry the stench to the entire area destroying any pleasure that was hoped to be gained.

I have lived in Benson for over 37 years. A good share of the people who live here are farmers or ranchers, spending most of our time outside working hard to provide food for others. Some of the quality food that is produced in Benson include milk and all of its associated products, a wide variety of fresh produce, beef, pork and honey. Without farms, cities would cease to exist. Therefore, it is in Logan's best interests to help and support the farming communities around them rather than use and abuse them. If this facility were to be permitted to be here, farmers would have no escape or relief from its nauseating reach.

At the previous meeting addressing this topic, one of Logan's representatives made the comment that we all contribute to the problem, therefore, it is our responsibility to help resolve it. I would like to reiterate that Benson is solely on septic systems and is in no way connected to Logan's sewer system. This is NOT our problem and we are not obligated to take care of the issue for them.

Logan's representative also insinuated that because Logan has owned the land for a number of years, that somehow should put more pressure on the Planning Commission to allow them to have such a facility here. But most of the residents of Benson have lived and worked here for generations and have much more invested in our community than Logan ever has or will have.

I suppose that because Logan has used us in the past to process their wastes, they feel like it should set a precedent for it to keep happening, but we say we have had our turn putting up with their foul smells and someone else should take a turn!

Logan argues that we would then have access to compost for our farms and gardens; however, even after enduring the repugnant stench of the facility we are then required to pay them to have any of the product and again Logan is the only one who profits.

There is no upside in this proposal for Benson. It is all loose, loose. As a popular recreational resource and farming community, we would all be better off if this human waste was hauled to the landfill. VOTE NO to rezoning the 47 acre site from agriculture! The County does not have to bend over backward to Logan City! Defend our rights, our great outdoors and our community!

Stopping this project now is much less expensive, and much better and more effective than having to go through a lawsuit like American Fork and Pleasant Grove did to get rid of a similar facility in their neighborhoods. PLEASE VOTE NO!!!

Thank you,  
Sherilyn Johnson



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Benson Composting**

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**Heidi Stimpson** <stimpheidi@gmail.com>

Mon, Feb 22, 2021 at 9:49 PM

To: devservices@cachecounty.org, angie.zetterquist@cachecounty.org

Hello,

My name is Heidi Stimpson and I live in Benson, Utah. I am opposed to the rezone of 47 acres in Benson for a compost facility for Logan City. I hope that the planning committee understands that much of Benson is considered wetlands and it is prohibited to use this land for waste and compost. <https://rules.utah.gov/publicat/code/r315/r315-312.htm?fbclid=IwAR2cW-ltAzG-XKr85TgP5Ms46QSePjXSS03Bzl0HsfToverSH-JeDhz5vWY#/T3>

My father was prohibited from tilling his own land and using it to farm to this day. I definitely do not think that any city or county office should get special privileges to do this if a farmer can't use his own land without getting fined.

I am also concerned about the "80,000 manmade chemicals that are discharged from industry's pipes or otherwise pumped into the sewer system. By the time the mix lands in treatment plants, it can teem with pharmaceuticals, hormones, pathogens, bacteria, viruses, protozoa and parasitic worms, as well as heavy metals." (The Guardian) This is a great concern to my health, my family's health, and the health of my fellow community members.

I love the beauty of Benson and do not wish to see it turned into a waste facility. I value the beauty of the earth and wish that there was another way. I understand that it is difficult to find a place for waste, but it cannot be Benson. We already have a waste facility here!! Why should more waste be dumped on us?

Thank you for your consideration,

Heidi Stimpson

March 1, 2021

Cache County Planning Commission  
179 North Main, Suite 305  
Logan, Utah 84321

**Re: The Economic Impact on the Benson Area Gateway By Logan's Composting Facility**

Dear Planning Commission:

We are business owners and land owners in Benson, Utah. We strongly object to the request of Logan City to add a Public Infrastructure (PI) Overlay Zone for composting sewer sludge on 47 acres in the Agricultural (A10) Zone. We oppose the proposed facility for many reasons previously stated in other objections. Additionally, **we object to the proposed facility because of the economic impact it will have on the Benson area and the 3200 West Gateway.**

1. Benson is a vibrant and growing community. New homes are built each year and more businesses are based out of Benson because of the area and lifestyle.

2. Benson has **2 gateway areas**: 3200 West (where the proposed facility would be located) and Airport Road. A sewer sludge composting facility greatly affects Benson's 3200 West gateway. Hundreds of vehicles travel the 3200 West gateway each day. We believe this gateway will be affected by the very sight of 47 acres of sewer sludge and other bio solids being composted. The gateway is also affected by the smell, flies and insects and other issues acknowledged by Logan City.

3. The Benson area and the 3200 West gateway will continue to grow. Benson will continue to attract more homeowners and more businesses. A sewer sludge composting facility located on the 3200 gateway will affect Benson property values and the ability to attract businesses and development to Benson.

4. Logan City currently owns property on which they could construct the composting facility. They own approximately 80 undeveloped acres adjacent to the new sewer facility. This property is known as the Eliason Property. However, Logan City argues that they do not want to place the facility on the Eliason property because it is their "gateway" and not part of its master plan. While Benson may not have a master plan because it is unincorporated, the same argument applies for the Benson site as it does for a Logan City property site. 3200 West is the Benson Gateway and allowing the composting facility greatly affects the current and future economic development, businesses and residents of the Benson area.

5. As business owners and landowners we strongly encourage the Planning Commission to consider the impact this facility will have on the 3200 West Gateway and our businesses, land values, housing and future development in the Benson area. As you consider these impacts, please deny Logan City's request to build its sewer sludge composting facility in Benson.

6. Signatures of the business and land owners are on the accompanying pages. Thank you for your consideration in this critical matter.



X Darrell J Ricks  
DARRELL'S Appliance

X JDA Ricks  
Darrell's Appliance

X Jay Ricks  
Darrell's Appliance

X James M. Tombs  
SUMMIT GROUP WEALTH ADVISORS

X Betsy Tombs  
Summit Group Wealth Advisors

X Cathy Ricks  
Darrell's Appliance

X Vickie Ricks  
Darrell's Appliance

X Betty L Ricks  
Darrell's Appliance

X Spencer  
Spencer construction

X SK Ranch  
Spencer Construction

X Wisor Manufacturing, Inc

X Kunzler Livestock  
Kunzler Seed

X Roxane Trucking LLC

X Smithfield Electric Trust

X Smithfield Electric Trust

X FIREWORKS WEST INTERNATIONAL

Dear Cache County Planning Commission,

I write to express my opposition to the proposed rezoning of parcel 12-028-0008 which is owned by the City of Logan. The intended use is to create a human waste composting facility on the site. This proposal would turn one of the primary gateways to "Beautiful Downtown Benson" into an embarrassing eyesore that no one would want at the entrance to their community. I am also very concerned about water pollution, horrific odors permeating our community, and increased biohazard traffic on 3200 West.

3200 West (often referred to as the Benson Highway) is one of the few primary gateways into our community. For those who live and work in Benson, composting human waste on this site would be like asking Logan City to start dumping literal crap on the unused Emporium site in Logan. Why wouldn't you want a site like this on the Emporium property?... because main street represents the people of the city of Logan. One day soon, Benson will be its own city, and we don't want a composting facility to welcome visitors and new residents to our community. We don't want people to associate human waste with the people of Benson. Why isn't the city of Logan putting this thing somewhere in the city of Logan? Because they don't want it there of course. And we don't want it in our community either.

I experienced the kinds of problems that can come with composting facilities and waste management sites like this while running a business in Orem several years ago. The old Geneva property which is now Vinyard, used to be very similar to Benson. A human waste composting facility was placed in what then was considered an out of the way location much like the current proposed location. I unknowingly moved my business into a location a few miles away from the composting facility. There were days when the entire community was inundated with a smell so powerful we had to shut down and go home. I used to feel very sorry for the people who had to live in that area. I don't want this to become the norm in Benson.

Logan City is asking us to trust them to keep the smell within required limits. Their track record however is abysmal. My memory isn't as long as others in the community, but in the last few years I've seen trash scattered everywhere near the dump along Valley View Highway despite promises that this would not happen. Complaints from those near the facility in Clarkston and along the Idaho border are frequent. The water treatment plant currently sends treated water into the canal systems just to the west of the plant, and occasionally we get to experience something we in this part of Benson like to call pee foam (see photo). This particular photo was taken by me, a short distance away from the proposed composting facility. It shows a giant pee foam blob exploding out of one of the canals along 3200 West that comes from the water treatment plant. No one wants this in their community.





Currently many families in the area work livestock, ride horses, and perform other agricultural activities all around the proposed site. One big difference between human waste and say putting manure on a field is that humans ingest pharmaceuticals, estrogens, and other contaminants that are in no way good for anyone living in the vicinity. As Logan gets bigger so will the amount of pollutants entering the system. I don't want our kids and our community contaminated with environmental estrogens which can affect child development, wildlife, get into our water supply etc. We don't want those kinds of pollutants getting into our food supply either. Livestock grazing is occurring at different times of the year in fields adjacent to this proposed property, and numerous agricultural products are produced in fields surrounding the proposed site and also downstream. Blue Creek Spring feeds into Cutler Dam which spreads all over the western part of Cache County. This is just not smart.

Blue Spring Creek literally runs through the proposed property (See Photo Below). The proposed concrete and earth berm is in no way going to stop water runoff from the proposed composting site from entering this water system. Water and wetlands not only surround the property, but run right through it!! How can rezoning the property for this type of use be justified? One crack in the concrete or asphalt is all it's going to take to pollute the entire system.



Logan City proposes to haul truckload after truckload of human waste down one of our primary streets thereby increasing traffic on 3200 West. As our entire community continues to grow we know that traffic on 3200 west is going to increase dramatically over time. Smart community planning attempts to avoid main arteries whenever possible when deciding where to put facilities of this kind. Trucks hauling waste will add to the already busy Valley View Highway traffic where they will create bottlenecks as they regularly pull out onto Valley View where speed limits are around 60 mph. As our community continues to grow, the City of Logan will produce more and more human waste, increasing the number of trucks hauling waste. As Benson grows,

so too will the traffic on 3200 west. Why create a problem that can easily be avoided by simply choosing a less trafficked location to compost?

In conclusion, please recommend that we reject the proposal to rezone this property. Approval would be a huge mistake. Please don't turn Beautiful Downtown Benson into the dumping ground of Cache County.

Sincerely,

A handwritten signature in cursive script that reads "Matthew Fuller". The signature is written in black ink and is positioned above the printed name.

Matt Fuller  
Benson Resident



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Benson Planning Commission Thursday agenda**

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Jeff Ricks &lt;rix.jeff@gmail.com&gt;

Tue, Mar 2, 2021 at 8:52 PM

To: angie.zetterquist@cachecounty.org

Hi Ms. Zetterquist

Is it possible to submit our concerns to the Planning Commission before the hearing on Thursday?

Thank you

Darrell, Betty, Jeff, Vickie, Jay and Cathy Ricks

March 3<sup>rd</sup> 2021

Cache County Planning Commission

Concerning Logan City's request to put it's human waste compost facility along Benson's 3200 West street.

As owners of a business in Benson we wish to register our opposition to the property that Logan City is requesting to compost human waste.

Darrell Ricks

I have operated a business in Benson since 1970 and feel like my business has supported Cache County financially. I am concerned about the impact and determent of the sights and smells of this proposed location.

Betty Ricks

Many years ago, I created a popular jingle which says, "...in beautiful downtown Benson". We have enjoyed many customers that tell us they enjoy the jingle and the short drive to see "beautiful downtown Benson". Please don't mar our beautiful community.

Jay Ricks

As a business owner, I am concerned about the risk of health issues to residents of our community and the loss of business value.

Cathy Ricks

I am concerned about the ill effects on our community's health. Many people have respiratory ailments that may seriously affect them.

Jeff Ricks

I have worked to build a respectable business in Cache Valley for 41 years. I can't imagine a project that could have more negative impacts than a humanure plant on the way into our beautiful community. Logan City refuses to be part of CMAD to control the infestation of insects this would create. I don't see Logan City as a great partner as a neighbor if they would do such a project to a small country loving community such as Benson.

Vickie

It seems that whenever you hear news of natural disasters such as earthquakes, we hear of raw sewage related disease and sickness. I'm opposed to having this operation close to human populations for many reasons.

Thank you for your consideration of our concerns.

Darrell Ricks

Betty Ricks

Jeff Ricks

Vickie Ricks

Jay Ricks

Cathy Ricks





Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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## Composting Facility in Benson

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JaNae Moss &lt;janaejmoss@gmail.com&gt;

Wed, Mar 3, 2021 at 9:08 AM

To: angie.zetterquist@cachecounty.org

To Whom it May Concern,

I know that this composting facility is something that a lot of people are excited to put in out in Benson. What I think people forget is that Benson is a community that is full of people that don't want their home tainted by someone else's garbage. Just because we are rural doesn't mean that we want to have to have our homes stink. Please reconsider where this facility is being placed. Please consider the people that it is affecting and please don't place all of the sewer systems in our town.

Thank you

JaNae Moss and Steve Moss

To Whom It May Concern:

I am writing to express my concern with cash county's intent to use 47 acres in Benson, UT. to dispose of human waste. I am a resident of Benson and am opposed to this proposal. Our groundwater in Benson is very high, and the field that has been proposed for use has standing water on it at various times during the year. The area also serves as a bird refuge for several different species of birds throughout the year. How will this proposal affect the well-being of the bird population - most importantly the reproduction? Other concerns include livestock that waters close to the proposed site and seepage into the Cutler reservoir.

My family moved to Cache County six years ago. We moved from Tooele County, which uses a similar process for disposing of human waste. Our home was approximately 5 miles from the site where human waste was dumped but, the smell was still overwhelming. On the day of the dump, you could smell it with the house windows open. If the wind happened to be blowing, this sent was so unbearable we would be unable to do anything in the yard or have the house windows open. Our home here in Benson is less than two miles from the proposed site.

Spanish Fork also pushed through a similar disposal method and was met with strong resistance from citizens. They have since negotiated and can no longer dump and had to have the site cleaned up by the end of last year. I urged the council to learn From Spanish fork.

This site will not only cause us health issues, but it could potentially pollute the water in our area. The planned location is not far from the Benson Marina which, runs into multiple locations throughout Cache Valley. It will shut down multiple beautiful locations people use daily to enjoy the beauty of the outdoors.

In conclusion, I ask you to consider the impact this decision will have on the environment and the community of Benson. Consider your reaction if this was your backyard.

Thank you,

Kassy McClimans  
3904 W 3000 N  
Benson, UT 84335  
(435) 841-1315  
kassystem@gmail.com



Cache County DevServices <devservices@cachecounty.org>

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## Human Waste site in Benson

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**Britney Knight** <britney@kimberbell.com>  
To: devservices@cachecounty.org

Wed, Mar 3, 2021 at 1:38 PM

To whom it may concern,

I Britney Knight and my husband Bret Rasmussen live in Benson, and would like to OBJECT to the human waste site that you are planning in Benson. We feel it would completely ruin our great little community and make it an unclear, smelly, not safe environment, to live in.



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Human Waste Composting

1 message

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**Bret Adamson** <bret@slammersinc.com>

Wed, Mar 3, 2021 at 9:52 AM

To: devservices@cachecounty.org

To whom it may concern,

My name is Bret Adamson I live at [3924 West 3000 North](#) in Benson.

I absolutely oppose the proposal of the human waste composting project at the location of 3200 West 1400 North in Benson Utah.

We are talking about human waste. Anybody in there right mind would not want a facility that contains human waste near the area that they live.

Odors, Depreciation of property value, High water table in addition to the abundance of chemicals that can be introduced into the ground as well. And lastly taking away from the beauty of Benson Utah.

There is currently what they call the polishing ponds here in Benson that is a small gift by the wonderful city of Logan. I think we all know what is getting polished here.

I can't imagine with all of the available technology that there is to be offered that they can not come up with a better way to take care of this. I will stick with steer manure to fertilize my garden.

Thankyou and have a splendid day.



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Compost facility**

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**VICKI KUNZLER** <vickikunzler@yahoo.com>

Wed, Mar 3, 2021 at 10:23 PM

To: devservices@cachecounty.org

Cc: angie.zetterquist@cachecounty.org

To Whom it may concern,

My name is Vicki Simmonds and I am currently building a new home in Benson Utah. I am opposed to the rezone of 47 acres in Benson for a compost facility for Logan City.

I have two small children and we are trying to rebuild our lives after my husband, their father unexpectedly passed away 17 months ago. Benson is our future and our new start. I built in Benson so my kids could play outside in the fresh air and enjoy nature and be away from town. Had I known that we would be dealing with a horrible stench, more bugs, more rodents, lowered home value and even worse a chance of water contamination I wouldn't have poured our life savings into a home that would be close to a waste compost facility. Please, please vote NO to this.

Thank you for your time,

Vicki Simmonds

Sent from my iPhone



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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**Oppose to rezone in our Beautiful Benson.**

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**Maria Vejar** <vickyvejar@gmail.com>

Thu, Mar 4, 2021 at 9:09 AM

To: angie.zetterquist@cachecounty.org

Miss Zetterquist,

With great anguish and discontent I'd like to let you know we totally disagree and oppose to rezone.

We are a family of 5 who moved from Riverside CA, searching for a much better, quiet and unified small community for our three kids born there to grow up.

We were blessed to find all that and more in our Beautiful Benson!!!

We looked for a long time for the perfect place away from big cities but at the same time close enough to the hospitals, work, church, schools etc.

We were in need of making sure our kids growing up in a safe environment and away from all the commotion and life style bigs cities have, if we didn't mind about it, we would have stayed there where we had a good job, our home, extended family and very close friends and some very good neighbors too but we wanted more, the beauty of open space and wonderful views but most of all a secure and safe small town.

America offers to all of its citizens the opportunity to soar to higher mountains and a better life, to find the best place according to your efforts and possibilities.

We did find it here and even besides our full time jobs we have cattle, horses, farm animals and a crop on the same road where our home is, in fact it is right across from where they are planning the human compost site.

As you can imagine we don't want our beautiful Benson to end up Cache Valley's toilet specially any leaks on our crops and animals!

Besides we already have to deal with the bad smell that some days seems to get worse, we don't need any more!!!!

No one likes that, would you?

I thank you for taking the time to read my email and ask you to please share it to whomever needs to see it and ask you to please, please consider no to rezone, no to human compost in our Beautiful Benson!

Once again thank you.

Sincerely Vicky and Alfredo Vejar.





Cache County DevServices <devservices@cachecounty.org>

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## Human Waste

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**Kelli Orr** <kelliorr091@gmail.com>  
To: devservices@cachecounty.org

Wed, Mar 3, 2021 at 8:00 PM

To Whom it May Concern,  
My name is Kelli Orr. As a resident of Benson Utah I object to 3200 West in Benson becoming the site for a Human Waste composting site.

Sincerely, Kelli Orr/Benson Resident



Cache County DevServices <devservices@cachecounty.org>

---

## Human Waste

---

**Bert Orr** <timberlineelectric@hotmail.com>

Wed, Mar 3, 2021 at 8:04 PM

To: "devservices@cachecounty.org" <devservices@cachecounty.org>

To Whom It May Concern,

My name is Bert Orr. As a resident of Benson, Utah I do not approve of 3200 West in Benson becoming the site for Human Waste composting.

Sincerely, Bert Orr/Benson Resident



Cache County DevServices <devservices@cachecounty.org>

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## Human waste

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**Dani Orr** <dani.orr041@gmail.com>  
To: devservices@cachecounty.org

Wed, Mar 3, 2021 at 8:07 PM

My name is Dani Tadlock. As a resident of Benson Utah, I do not approve of 3200 west In benson becoming the site for human waste composting.

Sincerely, Dani Tadlock/ benson resident.  
Sent from my iPhone



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Rezoning

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**Cody Orr** <mxhead40@gmail.com>  
To: devservices@cachecounty.org

Wed, Mar 3, 2021 at 8:21 PM

I am a Cache County resident. I heard about a plan to rezone a 47 acre piece of land in Benson for a human feces dump site. I am sending this email to say that I am strongly opposed to this happening. My kids are in Benson every day at their grandparents house and I would hate for them to smell this and possibly get sick because of this site. I know there was a lawsuit in Utah regarding a similar site. Do not allow this to happen! It will be very bad for the Benson community and also this beautiful county.

A concerned citizen



Cache County DevServices &lt;devservices@cachecounty.org&gt;

---

**Human waste composting facility**

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**Caroline Laine** <lainecaroline9@gmail.com>

Wed, Mar 3, 2021 at 9:24 PM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

Hello. My parents live in benson. I live in Logan City. I am opposed to the human compost waste facility. This will greatly degrade the valley. Please find a different place to build this facility. It does not belong in benson. Thank you,

Caroline Laine

--

Caroline Laine

3/4/2021

Cache County Corp. Mail - Benson dump

**Attachment B**  
**Public Comment #49**



Cache County DevServices <devservices@cachecounty.org>

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## Benson dump

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**Heather Williams** <heathernfamily@gmail.com>  
To: devservices@cachecounty.org

Thu, Mar 4, 2021 at 8:19 AM

I ask for no dump in benson please.

Heather Williams

Sent from my iPhone





Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Rezone in Benson off 3200 West**

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**Shelley Tarr** <shelley.tarr@gmail.com>

Thu, Mar 4, 2021 at 8:35 AM

To: devservices@cachecounty.org

Dear Sir/Madam:

I am writing to oppose the rezoning of an agricultural land that Logan City is trying to convert to a human waste composting site.

Please oppose this obnoxious request, as this will impact everyone living in the valley when there are winds, which is often. This didn't work out well for the site down in American Fork, so we should not even go this direction here in Cache Valley.

Please do not allow this, our quality of life needs to be maintained.

Thank you,  
Shelley Tarr  
Benson, UT



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Composting site

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**Amy Anderson** <azadeikanderson@hotmail.com>

Thu, Mar 4, 2021 at 9:43 AM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

I support the rezone. The process to be followed has been carefully studied. The concerns that human waste will carry diseases to the community is an understandable fear but in looking at research, a confirmed incident of transmission of illness from sewage sludge has not surfaced.

From a recent UPR report on using compost in community gardens, which is a step further than simply storing it and would actually have a more direct connection to people:

"We have systemically looked at all kinds of potential hazards," says [Ian Pepper](#), a professor and director of the Environmental Research Laboratory at the University of Arizona who has been studying biosolids for 30 years. "Invariably we've found that the risks are much lower than those suggested by environmental activists."

Proponents say that it's hard to prove that biosolids are a significant source of contaminants.

"These compounds are ubiquitous in the environment – in the soil, water, within our bodies," says Neil Zahradka, who oversees biosolids for the state of Virginia's department of environmental quality. "So the question is: If it's in the biosolids, then is that a problem? None of studies so far have been able to conclusively say that yes there's an issue here."

To meet the needs of our entire Cache County community that will depend on the wastewater treatment plant, please approve the rezone.

Amy Anderson, Logan



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Human Waste Composting

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**Shanna Cowley** <shanna@campbellsci.com>

Thu, Mar 4, 2021 at 10:04 AM

To: "devservices@cachecounty.org" &lt;devservices@cachecounty.org&gt;

Planning and Zoning Commission,

My name is Shanna Cowley and I have lived in Benson all my life. My Grandparents and Parents lived here all their lives also.

I am totally against any human waste composting to be done in Benson. The smell, rodents, flies, mosquitos etc are not wanted in our area. We also do not want any illness or other bad effects that this human compost process might bring. Benson is a wonderful community and we want it to stay that way.

If it is so safe and does not smell, put it in Logan by the sewage area.

I totally oppose a human waste composting site in Benson.

Shanna Cowley

Benson, Utah

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Cache County DevServices &lt;devservices@cachecounty.org&gt;

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## Objection for Human Waste Compost

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**Jodi Spencer** <cowgirljspencer@gmail.com>  
To: devservices@cachecounty.org

Thu, Mar 4, 2021 at 10:53 AM

**To Whom It May Concern,**

I would like to cast my vote to object against the Human Compost Site being located in our wonderful community of Benson.

Has Logan City thought about putting this human compost site at one of your entrances to your community? Probably not.

Have you thought about using your own piece of land in Logan City for this project you would like to do? Probably not.

Have you thought about years down the road, and how it can harm the community of the Benson people? Probably Not.

What about the lawsuits that have happened in other communities from this exact same scenario with Human Compost sites?

Do you want to be in a Lawsuit that could be hundreds of millions of dollars down the road for making a neighborhood full of people ill?

Logan City, I would greatly appreciate you taking your human waste site somewhere else than our Benson Community. I would appreciate not being the one that is downstream from it. I do not want the smell of it or have to worry about becoming ill in the future due to a decision I had no choice in making. I want to have family come out to Benson and be able to enjoy their stay like they do now. Family and friends like to get away from the hustle and bustle of the city and come out to Benson to enjoy the agriculture community and hear the sounds of nature. We love our community and are proud to live and be a part of the small agriculture life.

Please not hurt our smaller community from your big city issues. Please take your human compost site to a different location.

Thank You,  
Jodi



Angie Zetterquist &lt;angie.zetterquist@cachecounty.org&gt;

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## Opposed to the Rezone

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Jeanann McLachlan &lt;jeamcl17@gmail.com&gt;

Wed, Mar 3, 2021 at 2:31 PM

To: angie.zetterquist@cachecounty.org

Hi! My name is Jeanann McLachlan and I live in Benson, Utah. I am opposed to the rezone of 47 acres in Benson, Utah for a compost facility for Logan City.

We moved to Benson about 2 years ago because we wanted to live in a more rural area as Logan is getting congested. Even though we are a ten minute drive away from Logan, we do not get any benefits that Logan members do (library card, etc), so why would we take Logan City's human waste? If you ask me, members of the Benson community are getting the short end of the stick here.

I implore you to find somewhere in Logan City to take Logan City's human waste to. As Logan City has stated, the compost facility will stink and the amount of human waste dumping will increase over time. We don't want that here. It is Logan City's waste, so it needs to be Logan City's problem, not Benson's. Instead of building a million townhouses, you can build the compost site there instead. The fact that you can't handle the human waste that you have on hand now means you shouldn't be building more townhouses to contribute to the problem until you find a solution. And that solution is not hauling your crap to a neighboring town.

I am also appalled that not only do you want to build the compost facility here in Benson, but you also expect us to pay for it by increasing our garbage bill. This is outrageous! Especially since we were never notified what this increase was for. You just implemented it without our knowledge and that's just shady business. We don't want the facility here and we definitely don't want to pay for it either!

Further more, it is stated in the state code that composting facilities are prohibited on wetlands. (<https://rules.utah.gov/publicat/code/r315/r315-312.htm#/T3>).

I am pleading with you as a mom of two young kids (and another on the way) to move your composting facility somewhere else. We live down the street and I don't want my kids (or any person for that matter) living with the chemicals that are left behind. (<https://www.theguardian.com/environment/2019/oct/05/biosolids-toxic-chemicals-pollution>).

We are a rural area - let's keep it that way! We want cows as neighbors, not a compost facility!

Jeanann McLachlan



Cache County DevServices &lt;devservices@cachecounty.org&gt;

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**Object Human Compost Site**

1 message

**Jarod Spencer** <cowboyjarod@gmail.com>

Thu, Mar 4, 2021 at 11:46 AM

To: devservices@cachecounty.org

To Whom It May Concern:

I would like to cast my vote to object the Human Compost Site you want to place in the community of Benson.

I am a land and home owner in Benson and I do not want a human waste compost site located down the street to the south of me nor for it to be the entrance to the community of where I live.

I own and sell livestock. Many people come to our Benson community and my personal ranch frequently during the summer months. I do not want to be part of the disruptive smell that will come from the kind of facility you would like to add to our community, let alone the excessive amount of congestion due to the trucks and employees that it will bring to our streets. I would like our community to stay agriculturally like it is and not turn it into a commercial facility for your needs.

This project you want to do will damage the equity of our homes and land. We would never be able to sell, with a smelly facility down the street from us. We would lose so much value of what we have worked so hard to have.

Please look for other land that can help your city needs that will not disrupt the farming community of Benson. I want to continue to love where my family and I live for many years to come, and to enjoy the lifestyle that we have.

Thank you,  
Jarod



Cache County Planning Commission

Dear Planning Commission

We object to the request of Logan City to rezone 47 acres in the A-10 zone on 3200 W. for the purpose of a proposed human waste composting facility.

We are Ronald + Evelyn Chambers  
2556 N. 3200 W.

Benson, UT 84335

We are one of the closed houses to the proposed site. We are tired of the smell from the sewer lagoons and feel this smell would be even worse. There are days when we don't want to be outside because of the smell. We would really like this to go somewhere else.

Sincerely

Evelyn Chambers

Ronald Chambers



# Cache Valley Compost Facility

- ▶ Project History
  - ▶ Wastewater Treatment Plant
    - ▶ Lagoon System to Mechanical Treatment

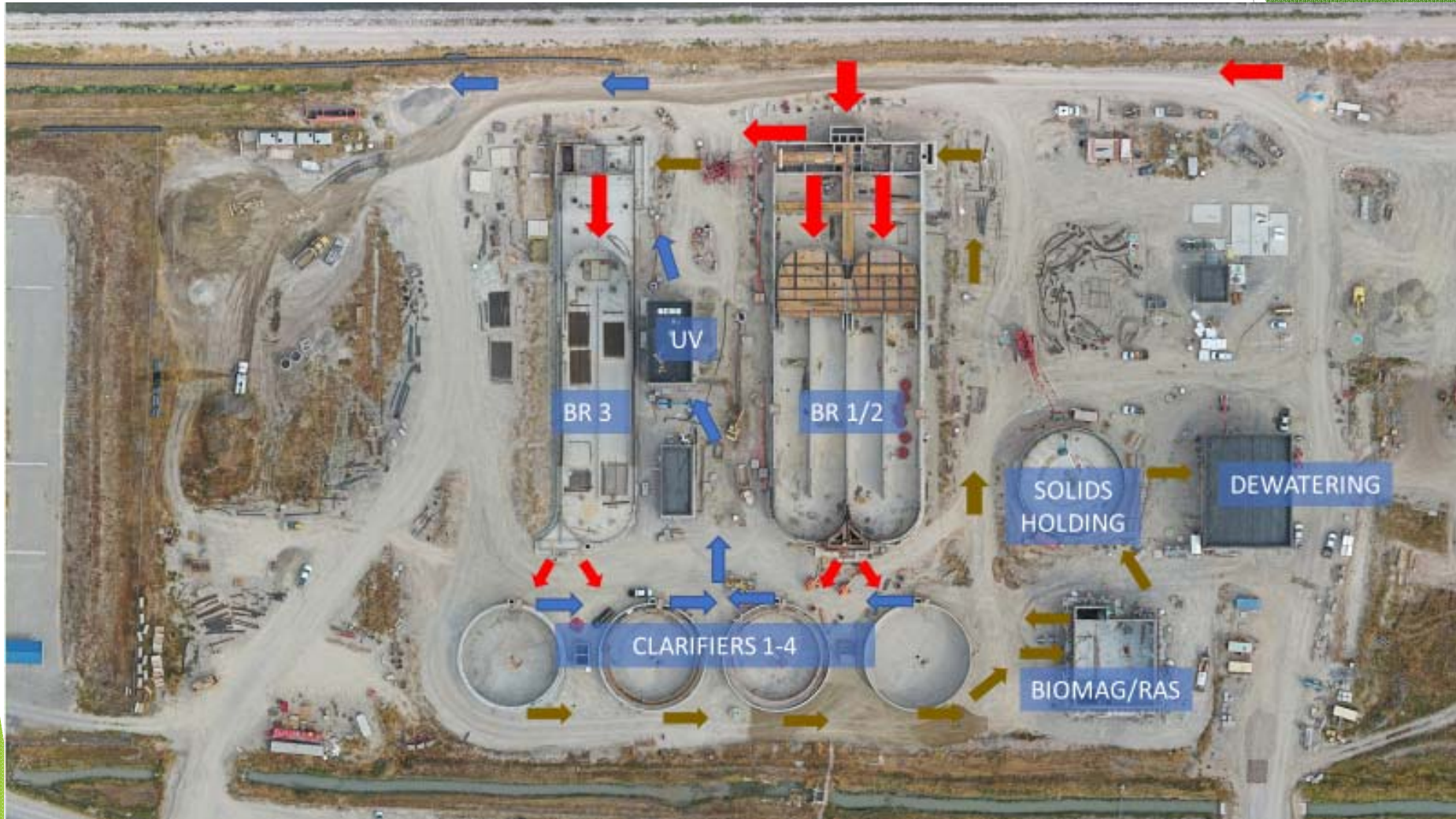


# Cache Valley Compost Facility

- ▶ Mechanical Treatment Plant
  - ▶ Biosolid Production
    - ▶ What is a Biosolid?



# What is a Biosolid



# Cache Valley Compost Facility

- ▶ What to do with the Biosolids?
  - ▶ Landfill
  - ▶ Fill up polishing lagoons located in Benson
  - ▶ Use as part of the compost operation

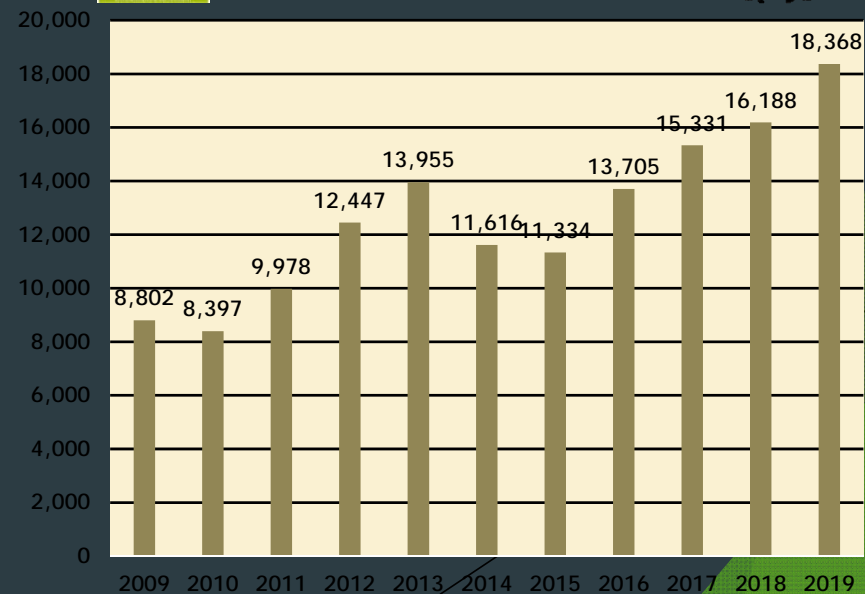


# Cache Valley Compost Facility

► Current Location



Green Waste Received  
2009 - 2019





# Cache Valley Compost Facility

- ▶ Biosolid Disposal and Expansion of Composting Facility

- ▶ Will produce Class A compost

- ▶ Meeting most stringent requirements of EPA

- ▶ Daniel Griffin DWQ

- ▶ Safe for garden use

- ▶ Nutrient rich natural soil amendment

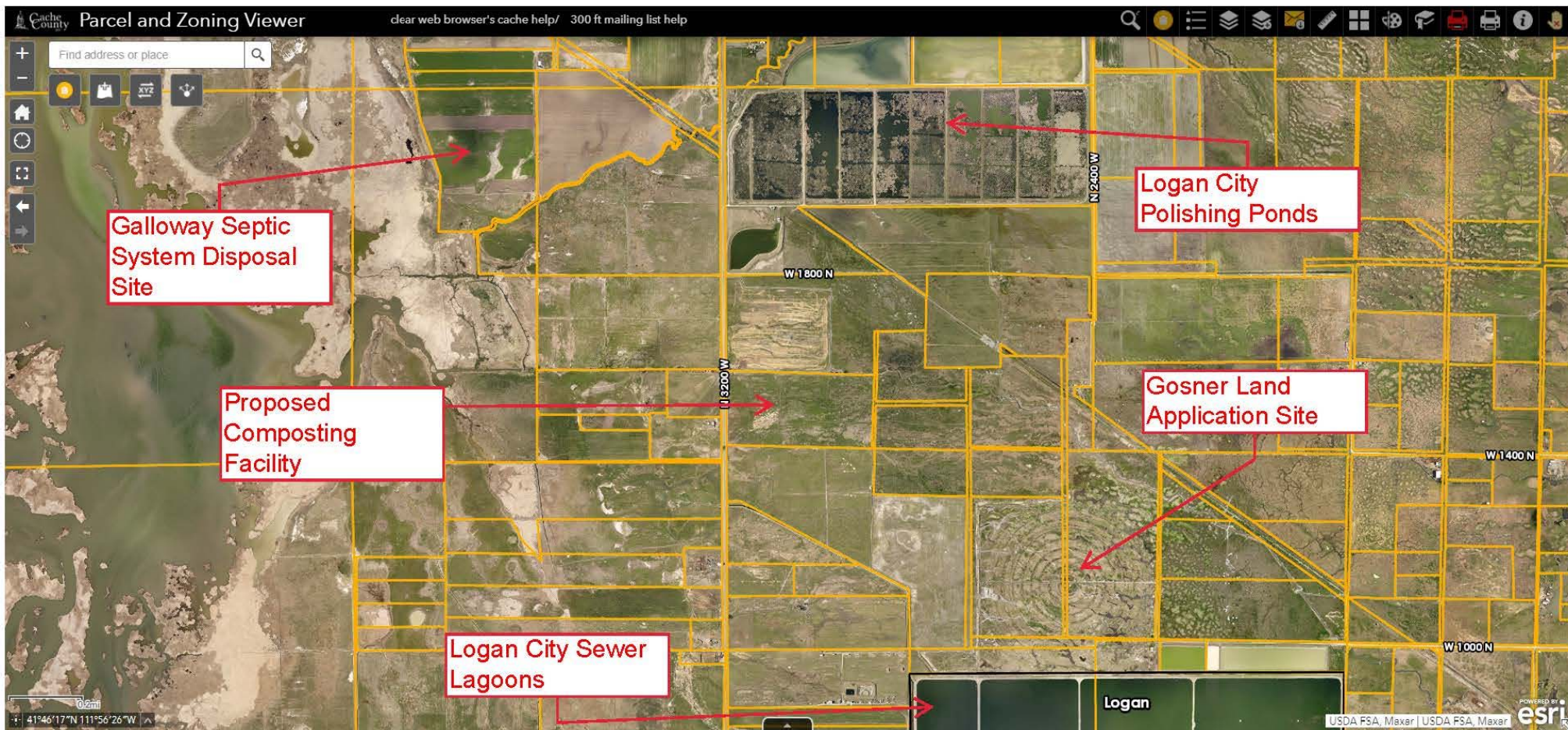
- ▶ High in Nitrogen and Phosphorous

- ▶ Process is complimentary to Agricultural Zone

- ▶ Composting Process at similar facilities











## Cache Valley Compost Facility

- Composting green waste with Biosolids is a cost-effective viable means of turning waste into a useable product.







**Composting and Biosolids for Logan, Utah**

**Leland Myers, P.E.**





# **BIOSOLIDS 101**



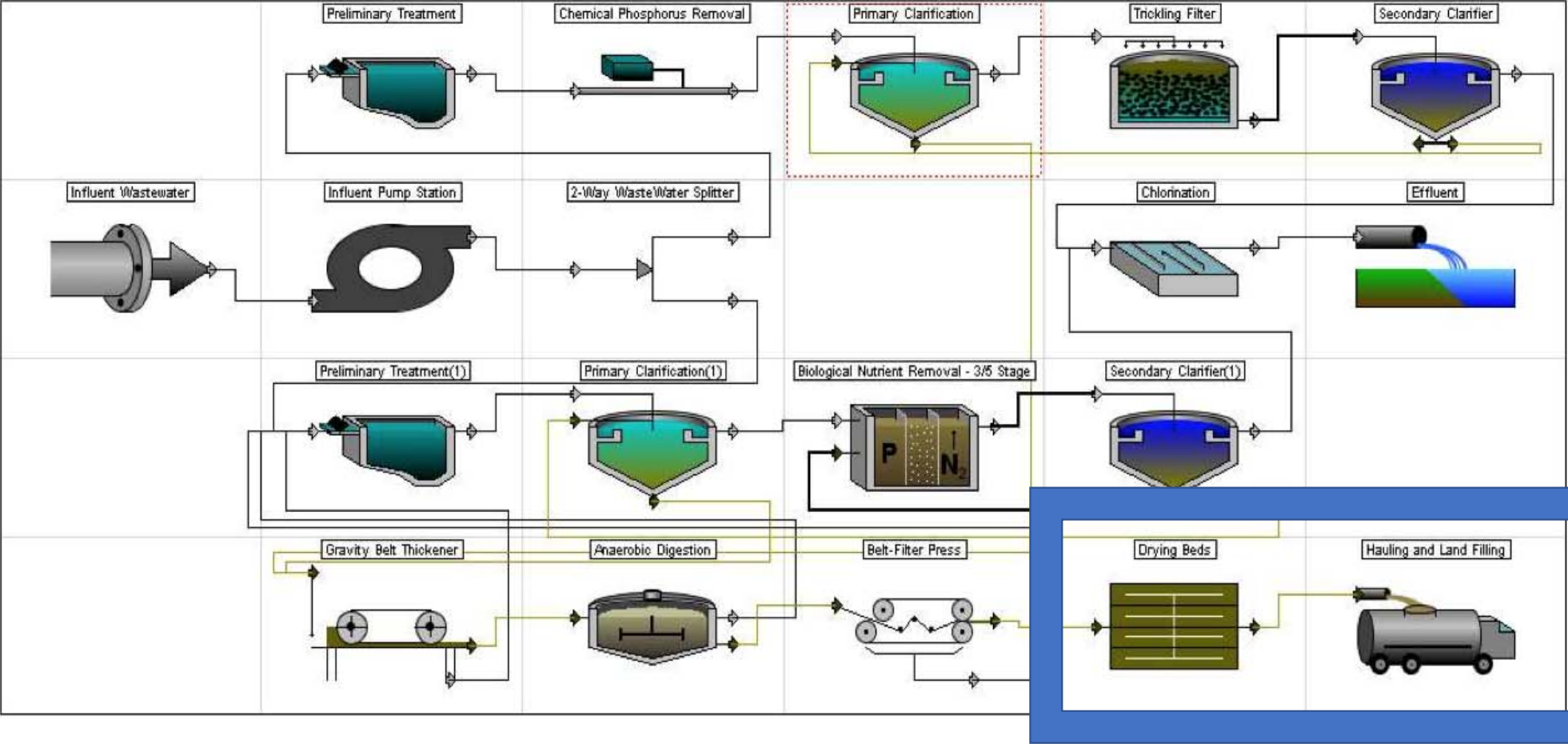
*(Why Composting  
is Good)*



*(Oh, and why  
compost is not  
human waste)*

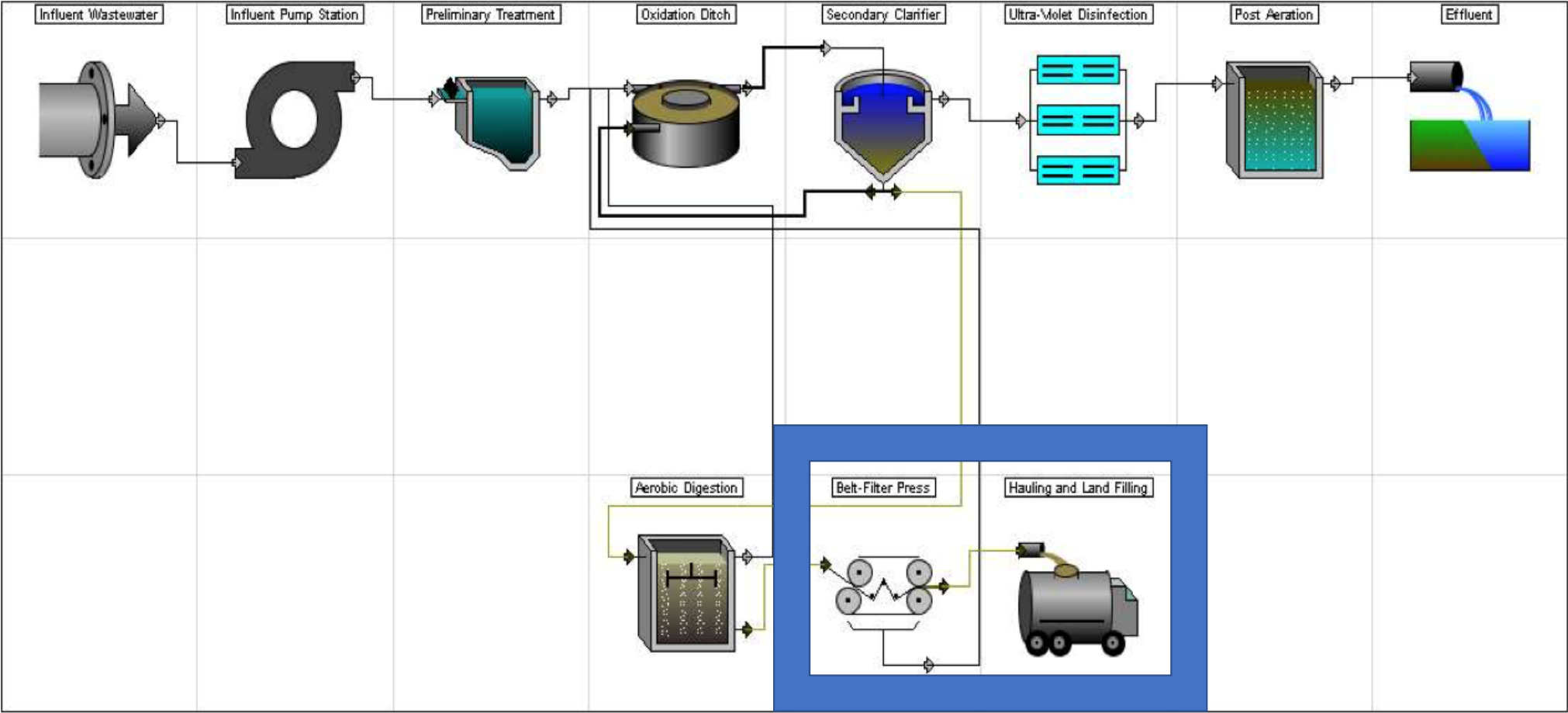


Layout - Central Weber SID





Layout - Brigham City



# Carbon Sequestration



**Air**

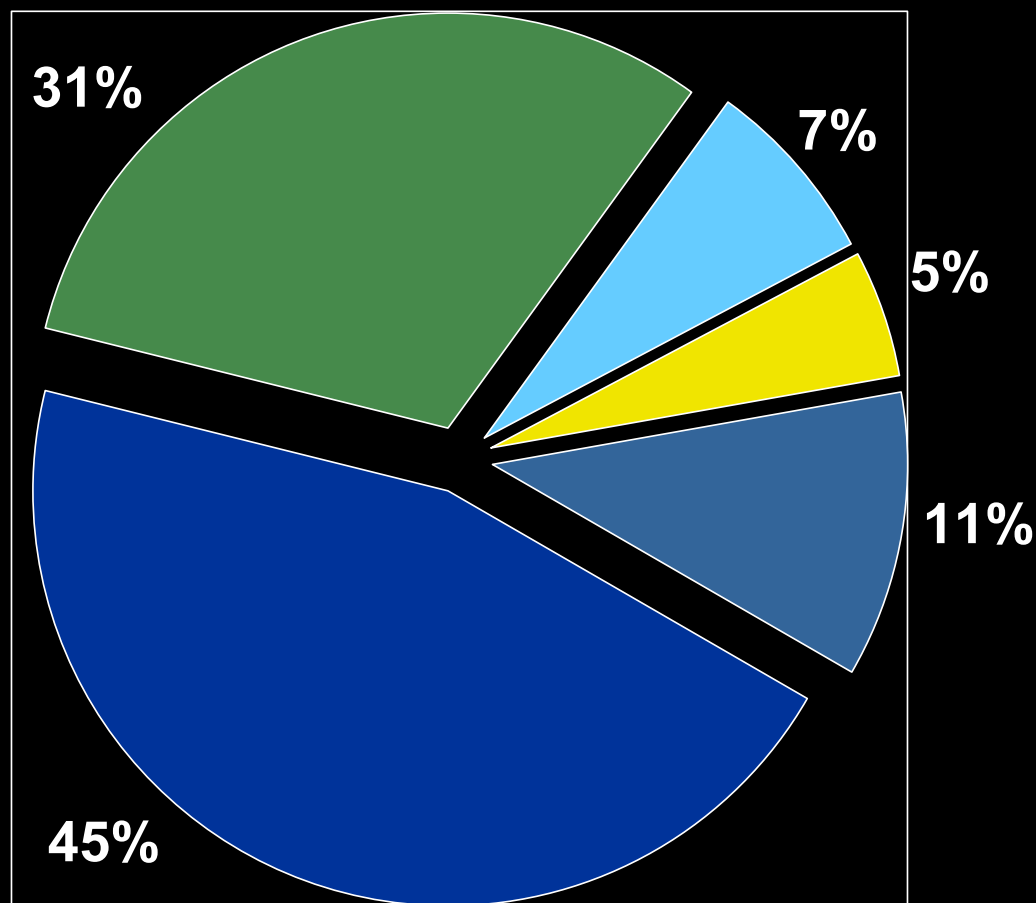
**Land**

**Water**

# Beneficial Reuse of a Valuable Resource



# Opinion About Recycling Biosolids



■ Strong Favor

■ Somewhat Favor

■ Somewhat Oppose

■ Strong Oppose

■ Don't Know





**Why Composting**

# What you compost

Feedstocks are generally from short term carbon cycle





## Soil Carbon- Sequestration putting it back in the bank

- Portion of organic matter in soils is stable
- Between 1850 and 1998 we have lost 78 Gt of soil carbon



## Compost is stable organic matter

- Compost is 50% organic
- Assume that 50% of this is stable
- Credit for carbon equivalent of 25% of dry weight of compost used



### Raw materials

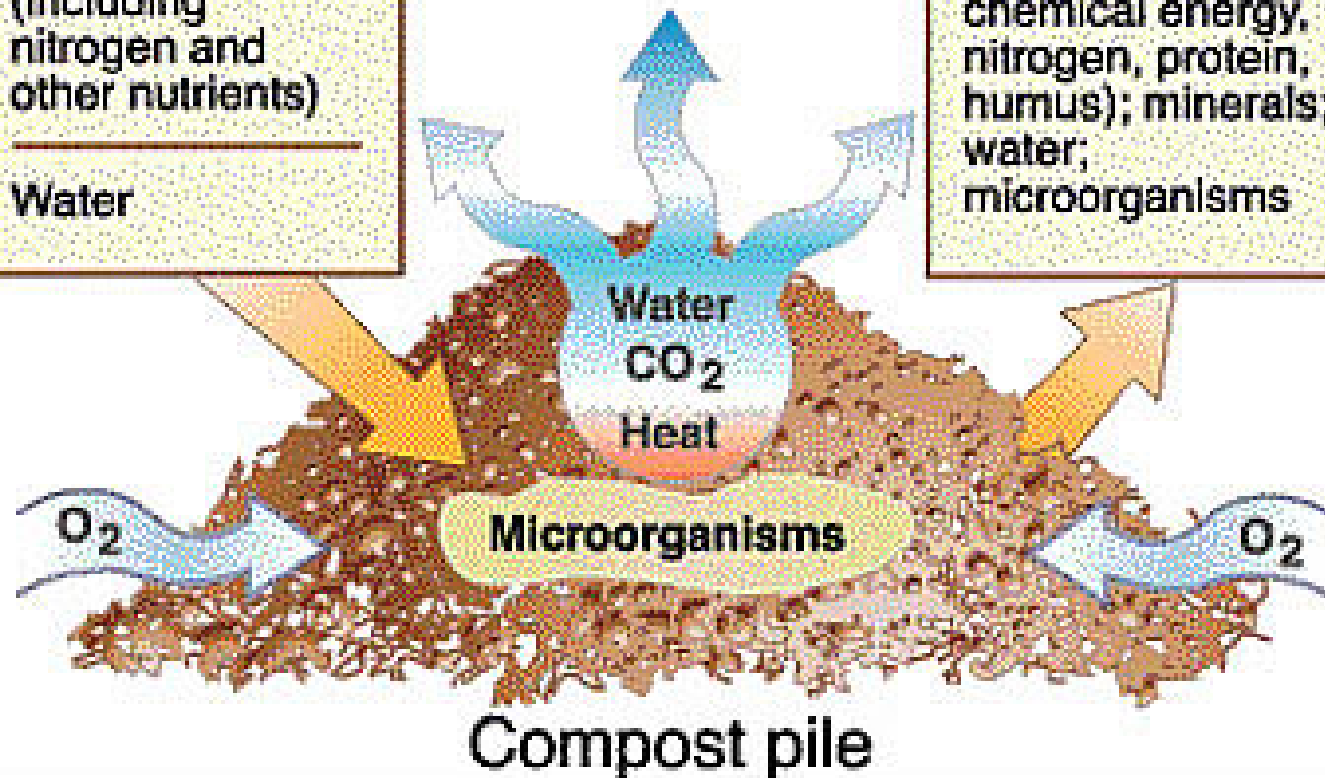
Organic matter  
(including carbon,  
chemical energy,  
protein, nitrogen)

Minerals  
(including  
nitrogen and  
other nutrients)

Water

### Finished compost

Organic matter  
(including carbon,  
chemical energy,  
nitrogen, protein,  
humus); minerals;  
water;  
microorganisms





# A Composting Story



# Central Davis Sewer District

Kaysville, Utah



# *Basic Information*

Began Composting in 1996

10 MGD Wastewater Facility

2,000 Tons of Compost per Year

Aerated Static Pile Process

Facility Evolved Over Time (Which is a Nice Way of Saying We Made all the Mistakes so Others Don't Have To.)











# *Lessons Learned*

(and why you must be ready to adapt)

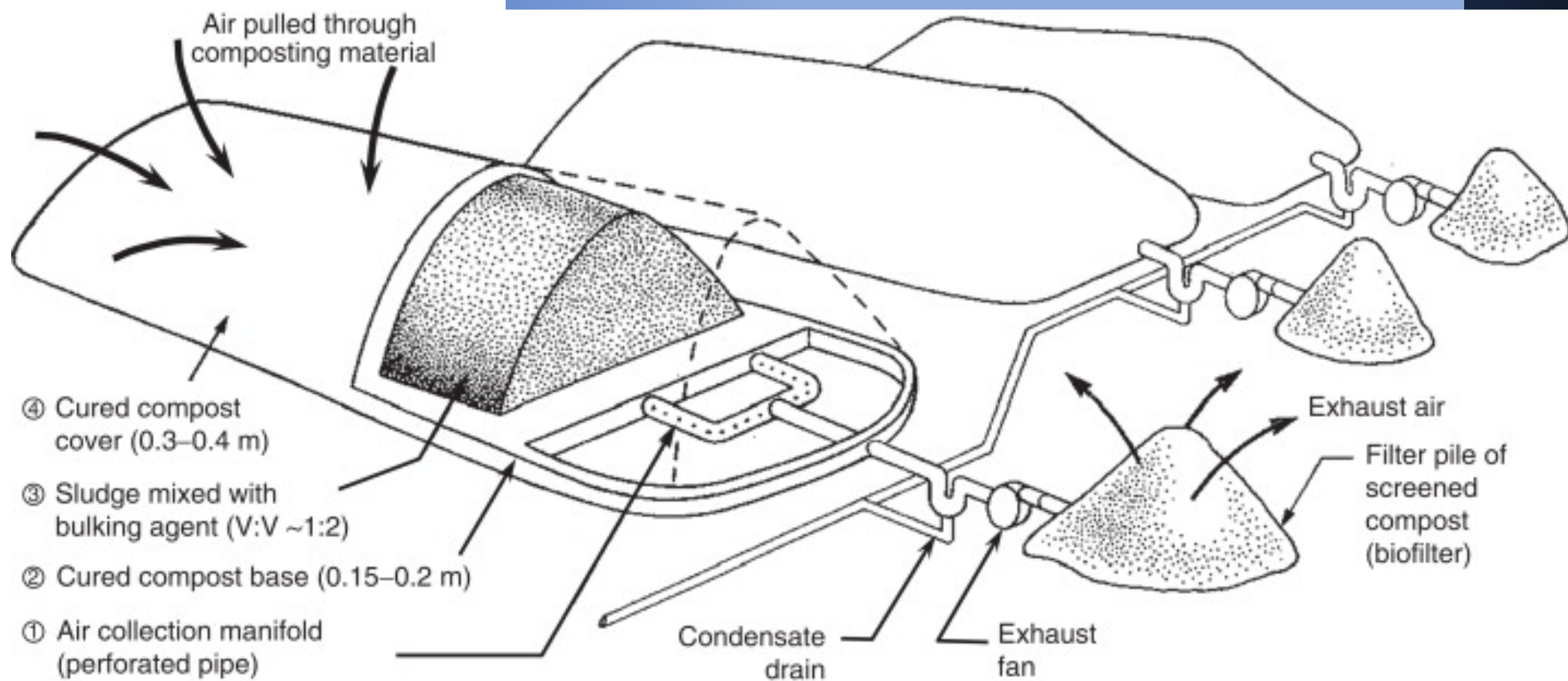




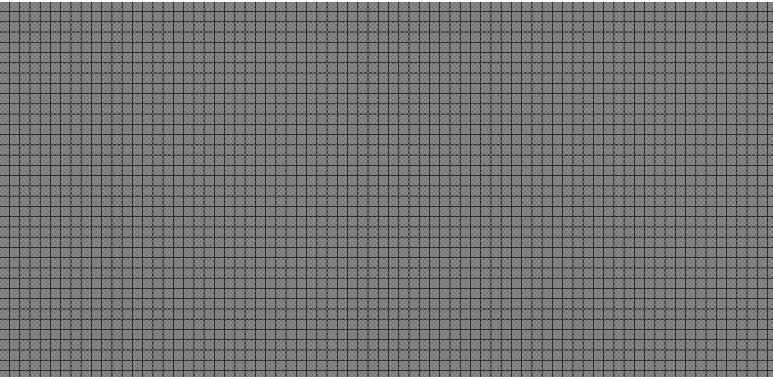
Lesson 1: The correct  
process for your conditions. .  
- From Windrow to Aerated  
Static Piles

**Failure = Odors**









## Lesson 2 The Correct Operations Monitoring for Odors

Time of Year Challenges  
Time of Day Challenges  
Curing Challenges  
**Failure = Odors**



# Willingness to Adapt to Changing Conditions

Failure = Odors



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# Membrane Systems - Positive or Negative Aeration



## *Required Elements*

---

- Detailed Plan of Operations
  - Well Trained Operators
  - Detailed Odor Management Plan
  - Odor Monitoring
- 







To Whom it May Concern:

**To address the questions and concerns brought up by the public and Cache County Planning Commission on February 4<sup>th</sup> Logan City has assembled the following information. The intent of this material is to be informative and educational on the beneficial uses of biosolids compost and the composting process.**

#### **INTRODUCTION:**

The primary purpose of Logan City's new wastewater treatment plant is to transform wastewater that goes down the toilets and drains of thousands of Cache County residents into clean water suitable to be released into Cutler Reservoir, which ultimately flows to the Bear River. This advanced water treatment process produces three end products: clean water that is discharged to Cutler Reservoir, garbage and solid waste that is screened out and transported to the landfill, and biosolids.

**What Are Biosolids:** Biosolids are nutrient-rich organic material that has undergone biological, physical, and chemical treatments for stabilization and pathogen reduction. When sewage is treated, the organic matter of raw sewage sludge decomposes under controlled conditions, making use of naturally occurring microorganisms. These microbes feed on the organic and inorganic matter as well as other microbes, including pathogenic bacteria. The solids that remain after this digestion are settled and further treated until they meet the required standards. To keep the population of the microorganisms at an optimal level, and to discard treated material that accumulates in the plant, a calculated portion of solids are discharged daily. These discharged solids are classified as biosolids. The term biosolid is used to differentiate treated organic material from raw sewage.

**What to do with Discharged Biosolids:** Deciding how to manage the biosolids from the new wastewater treatment plant has been an ongoing exploration for over 2 years. When the new plant reaches its capacity, there will be approximately 50 wet tons of biosolid material produced daily. When the plant begins operations in the Fall of 2021, it is expected that 25-30 tons will be produced. Logan City hired J-U-B Engineers to study several options on biosolids management. Alternatives such as solar dryers, land application, disposal at the landfill, and composting, along with other options were explored. The City's preferences for biosolids handling are to reduce operational complexity, provide a beneficial and sustainable use of the biosolids, provide flexibility for the City, facilitate a year-round solution, and minimize costs. It was determined that incorporating the biosolids into the existing and expanding green waste composting operation would be the best alternative for the city and its residents. As a secondary option, the City is able to dispose of the biosolids at the North Valley Landfill near Clarkston, UT. The City's goal is to beneficially reuse the biosolids instead of unnecessarily taking up air space in the landfill.

**Beneficial Use of Biosolids:** Biosolids that are to be beneficially used must meet federal and state requirements. Examples of beneficial use include bulk application to agricultural land and selling to the public for use in household gardens. When applied to land at the appropriate agronomic rate, biosolids provide several benefits including nutrient addition, improved soil structure, and improvement of soil water retention. Land application of biosolids also can have economic and waste management benefits (e.g., conservation of landfill space; reduced demand on non-renewable resources like phosphorus; and a reduced demand for synthetic fertilizers). Biosolids also may be disposed of by incineration, landfilling,

or other forms of surface disposal. Of the 4.75 million dry metric tons of biosolids produced in the United States in 2019, 2.44 million metric tons were land applied.

**Are treated biosolids safe?** Treated biosolids are divided into “Class A” and “Class B” designations based on treatment methods. The different classes have specified treatment requirements for pollutants, pathogens and vector attraction reduction, as well as general requirements and management practices. Logan intends to produce Class A biosolids. There are multiple federal and state requirements that specify treatment processes for Class A biosolids. This assures that pathogens and viruses are eliminated. We like the statement from a Pennsylvania township that says “Biosolids are no more dangerous than dirt. You shouldn’t eat dirt. You shouldn’t eat biosolids!” The biosolids are tested regularly to assure they are meeting the state requirements.

**How does Composting treat Biosolids?** As mentioned previously, Logan City would like to combine the biosolids from the new plant into its already thriving green waste composting program. Composting involves mixing dewatered wastewater biosolids with a bulking agent such as green waste to provide carbon and increase porosity. The resulting mixture is piled in rows where microbial activity causes the temperature of the mixture to rise during the “active composting” period. The specific temperatures that must be achieved and maintained for successful composting ensure that pathogens such as bacteria, viruses, salmonella, parasites (helminth and protozoa), and COVID-19 are eliminated and safe for public use. The elevated temperatures also reduce vector attraction of flies, mosquitos, fleas, rodents, and birds. After active composting, the material is cured and distributed.

**What are the Benefits of Compost?** The main benefit to compost is the beneficial use of biosolids and yard waste, instead of sending the material to a landfill. This compost provides large quantities of organic matter and nutrients (such as nitrogen, phosphorus, and potassium) to the soil, improves soil texture, and elevates soil cation exchange capacity (an indication of the soil’s ability to hold nutrients), all characteristics of a good organic fertilizer. Biosolids compost is safe to use and has a high degree of acceptability by the public. Thus, it competes well with other bulk and bagged products available to homeowners, landscapers, farmers, and ranchers.

**Is creating compost from waste a new idea?** Currently in Cache County, there are 3 facilities that operate composting operations with waste. These facilities include the Hyrum Wastewater Treatment Plant, JBS (Hyrum), and Ritewood Eggs (Lewiston). Regionally the Brigham City Wastewater Treatment plant and the Central Davis Sewer District operate composting operations with biosolids very similar to what Logan City is proposing. The Brigham City and Central Davis facilities are much closer to residential areas than the proposed Logan City facility.

**Will the Biosolids emit an odor?** Biosolids may emit an odor depending on the treatment process and methods used. The odorous compounds generated and detected most often are ammonia, amines, and reduced sulfur-containing compounds. The City of Logan plans to actively aerate the compost piles which should help mitigate odors. The site is also located so that it is not immediately adjacent to residential dwellings. Meteorological conditions such as wind speed and direction, relative humidity, and



temperature can impact levels of odors. The presence of biosolids odors does not mean that the biosolids pose harm to human health and the environment.

**How will run-on / runoff, and drainage be handled?** The composting facility will be built up from the existing ground elevation at least 18 inches above grade to support the truck traffic that the site will see. Stormwater runoff and irrigation water will be routed around the perimeter of the facility to keep the existing natural drainage patterns intact. The compost pad itself will be constructed of asphalt and concrete with curbing around the perimeter so that surface water that falls on the project area will be captured onsite and retained in a stormwater retention pond.

**Will Wetlands mitigation be Necessary?** First off, we thought it would be valuable to define what a jurisdictional wetland is. Wetlands are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support hydrophytic vegetation, and hydric soils. The United States Army Corps of Engineers does not recognize an area as a jurisdictional wetland unless it meets each of the three parameters, i.e. hydrophytic vegetation, hydric soils, and hydrology.

Does this property fall into that definition? Preliminary investigation into the site by J-U-B indicates that wetlands may be present in isolated areas along the western and southern borders of the property. Data was recorded in three sample plots within the interior of the property that indicate a lack of hydric soils and hydrophytic vegetation. This indicates that the interior of the property does not receive adequate hydrology to support wetlands. A more detailed investigation will be performed in the spring to identify and delineate wetland/upland boundaries within the site, but it is anticipated that there will be little, if any direct wetland impact by the proposed project. If it is in fact determined that the proposed project area may impact wetland areas, Logan City will work with the Army Corps to acquire the requisite permit and mitigate as needed. Any required mitigation will be performed on-site as only a portion of the property will be utilized for the proposed project.

**Why this piece of Property?** Primarily, the property that has been selected is already owned by Logan City and is in a location that will facilitate short trucking routes to convey the green waste and biosolids for further processing. Another advantage to this location is that it is close enough to highway 30 that County residents would be willing to travel to pick up treated compost for their yards and gardens. It should also be considered that this site is in the same general area where three other sites dealing with waste disposal are currently operating. These include Galloway Septic Disposal, Gosner Foods Land Application, and the Logan City sewer lagoons and polishing ponds. As mentioned previously, the odor and nuisance of this facility will be less, or of no greater, impact than the other sites in the area.

We look forward to discussing these items more in depth at the March 4<sup>th</sup> Planning and Zoning Meeting.

Sincerely,

Issa Hamud

Environmental Director, Logan City

## Exhibit B: Ordinance 2021-10

Zoning Map of Cache County – Affected Portion  
Cache Valley Compost Facility Rezone



The following legal description reflects the noted property above:

**12-028-0008**

PT PLT C LOGAN HAYLAND SVY :

THE S/2 LOT 1 BLK 35

ALSO: BEG AT SW COR LOT 6 BLK 34 1/2 N TO CENTER OF W SIDE LOT 1 W TO W LINE SEC  
24 T 12N R 1W S TO PT W OF BEG E TO BEG

ALSO: LOTS 1 & 2 BLK 36

ALSO: LOT 6 BLK 34 1/2

ALSO: LOTS 5 & 6 BLK 34 CONT 47.12 AC