

Grand Forks Municipal Solid Waste (MSW) Landfill Siting Summary
Regarding Extraterritorial Zone
Todd Feland, Public Works Director
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- On **April 16, 2007**, Grand Forks District Court ruled that the Turtle River Township in Northeast Grand Forks County had zoning authority to not approve the petition of the City of Grand Forks for a Conditional Use Permit to own and operate a MSW disposal facility in Turtle River Township. On **May 7, 2007**, the Grand Forks City Council passed a motion to not further pursue an appeal on the ruling. This decision came after nearly 15 years of effort to site a MSW disposal facility in Turtle River Township, Grand Forks County, and in general the effort consisted of completing MSW disposal alternatives studies, submitting and approval of North Dakota Department of Health MSW disposal facility preapplications, completing of a landfill Environmental Impact Study for the Turtle River Township, and four days of Turtle River Township hearings.
- On **August 21, 2007**, the Grand Forks County Commission, after unanimous approval of the Grand Forks County Planning and Zoning Commission, voted to not approve the Special Use Permit to site a Solid Waste Management Facility in Strabane Township, Grand Forks County (Northwest Area of Grand Forks County). The Strabane Township MSW disposal facility was a proposal from private developers, who sought to site and develop a regional MSW disposal facility and contract with regional entities, such as the City of Grand Forks (City).
- After staff and consultant review of potential MSW disposal facilities in the City's four mile extraterritorial (ET) Zone, and public and Grand Forks City Council review at the Grand Forks City Council Service/Safety Standby Committee, Grand Forks Committee of the Whole, and Grand Forks City Council on **August 23, 2007, August 27, 2007, and September 4, 2007** respectively; the Grand Forks City Council passed a resolution to examine MSW disposal facility locations in the north and south areas of the City's ET zone and proceed with the NDDH preapplication permitting process and appropriate geotechnical services regarding the sites. The north area locations were Rye Township Sections 14, 13, and 24 and Falconer Township Sections 18 and 19. The south area locations were Walle Township Sections 6, 7, and 18 and Brenna Township Section 36. Further since the north area sites are within the Federal Aviation Administration (FAA) 5-Mile Exclusionary Zone (FAA Radius of Concern) and within Airspace Protection Buffer Area of the Grand Forks International Airport Land Use Plan, the City requested the USDA Wildlife Services to conduct a further wildlife hazard assessment on the named north area sites.

Prior to meetings, interested residents and township supervisors were contacted regarding the meetings as well as significant media attention was paid to the meetings.

- City staff and City Council members briefed and participated in a question and answer session at two township meetings regarding the City's MSW disposal facility siting process. On **November 14, 2007** at 7:00 pm, the City participated in a Rye/Falconer Townships meeting at the Falconer Township meeting hall/rural fire department facility. On **November 20, 2007** at 7:00 pm, the City participated in a Walle/Brenna Townships meeting at St. Jude's Catholic Church in Thompson.

Prior to the meetings, the affected townships notified township residents of the meetings and significant media attention was provided regarding the meetings.

- On **November 21, 2007**, the USDA Wildlife Services submitted its Wildlife Hazard Assessment to the City regarding the proposed north area MSW disposal facility locations. The assessment provided that under mitigating conditions, the City could consider the East Half of Rye Township Section 13 and Falconer Township Section 18 for further consideration as MSW disposal facilities.
- On **December 28, 2007**, the City submitted NDDH preapplications to the NDDH as required under the North Dakota Solid Waste Rules. The City submitted preapplications for the following proposed sites: East Half of Rye Township Section 13 and Falconer Township Section 18, and Walle Township Sections 14, 13, and 24 and Brenna Township Section 36. On **February 1, 2008**, the NDDH approved the preapplications on all the named sites in the north and south areas.
- The City held public meetings regarding a final MSW disposal facility site selection to proceed to the NDDH MSW disposal facility permitting process as follows: City Council Service/Safety Standby Committee (**February 5, 2008**), Grand Forks Committee of the Whole (**February 11, 2008**), and Grand Forks City Council (**February 19, 2008**). With NDDH preapplication results, consultant review and recommendation, and staff review and recommendation, the Grand Forks City Council selected the East Half of Rye Township 13 as the preferred site to proceed to the NDDH MSW disposal facility permitting. As part of proceeding on permitting, the Grand Forks City Council approved the concept of the City of Grand Forks Municipal Solid Waste Good Neighbor Policy Guide Regarding Rye Township Section 13 Landfill Site. The site was selected without any written or verbal dissent from the public.

Prior to the meetings, interested residents and township supervisors were contacted regarding the meetings as well as significant media attention was provided to the meetings.

- A 2007 Landfill Siting Map and City of Grand Forks Municipal Solid Waste "Good Neighbor" Policy Guide Rye Township Section 13 are attached.

**City of Grand Forks Municipal Solid Waste "Good Neighbor" Policy Guide
Rye Township Section 13**

1. The landfill will be limited municipal solid waste (MSW), substantially all of which will be baled by the City of Grand Forks (City). The City will not accept hazardous waste, radioactive waste, or regulated infectious waste.
2. The City shall remain responsible for transporting all the MSW to the landfill in covered vehicles. The City will not accept waste transported to the site by rail.
3. The City will be responsible for providing primary fire protection, including the control and extinguishing of fires that may occur in the landfill. If needed, the City will enter into good faith negotiations with the Manvel Voluntary Fire Department for the purposes of entering into a joint powers agreement or mutual aid agreement for additional fire protection at and near the proposed landfill site.
4. The City will operate and maintain the landfill so as to keep waste-on-site and pick up all debris, litter, and/or blown waste.
5. The site will be secured and patrolled to prevent improper dumping.
6. An adequate security fence and gate will be erected around the site of the landfill.
7. Adequate measures will be taken in the design, construction, operation, and closure of the landfill to control and manage any surface water and stormwater falling on or crossing the landfill site so as to not negatively impact other property.
8. The City shall provide adequate monitoring of the site during construction, operation, and closure to ensure no environmental contamination from the landfill.
9. The City will own and operate the landfill primarily serving the areas of Northeast North Dakota and Northwest Minnesota.
10. The City will maintain during construction, operation, maintenance, and closure of the landfill, adequate insurance or other earmarked funds regarding the landfill.
11. The City will comply with all applicable state and federal laws and necessary approvals.
12. The City will retain an engineering consultant to assist in the oversight of the construction, operation, and maintenance of the landfill.
13. The City will improve and maintain any necessary township roadways, which are currently maintained by the township.

14. The City will take reasonably necessary steps to minimize the visual litter, odor, vector, rodent, and/or dust impacts resulting from the construction or operation of the landfill.
15. The City will designate contact person(s) for the Rye Township or others to contact in the event of an emergency or other concerns. The City will also designate a contact person(s) to receive and distribute communication between the City and Rye Township regarding landfill activities to include planning, construction, and operation of the landfill.
16. Except for extraordinary circumstances or needs, the City will establish landfill operating hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. (noon) Saturday. The landfill will be closed on Sundays and on major holidays during which the City's Sanitation Division does not operate.
17. The City will indemnify and hold harmless Rye Township from any and all claims, suits, or causes of actions against the Rye Township resulting from the City's construction, operation, maintenance, or closure of the landfill.
18. The City will continue to make payments in lieu of taxes to the Rye Township in an amount equivalent to Rye Township taxes that would be levied against the property if privately owned.
19. The City will fairly and reasonably compensate the property owner(s) of Rye Township 13 regarding the market value of their property. City officials and administrative staff will work with the City Attorney's Office regarding negotiations with the property owner(s) to resolve the land purchase in a reasonable and appropriate manner.
20. The City will negotiate reasonable terms with nearby and adjacent occupied residences regarding mitigation issues. Rye Township occupied residences within 1,000 feet of the landfill are as follows: **5502 70th Avenue North (Ryan Scott), 5702 70th Avenue North (Richard and Linda Klein), and 5850 70th Avenue North (Steven and Susan Jose).** Rye Township occupied residence within 2,500 feet of the landfill is as follows: **6502 70th Avenue North (Arthur Wix).** City officials and administrative staff will work with the City Attorney's Office regarding negotiations with the adjacent and nearby occupied residential property owners.
21. The City will continue to explore and study integrated waste management plans, which combine, divert, and/or recycle waste streams. The City will continue to study and implement reasonable waste management strategies, which divert and recycle waste streams more efficiently and effectively.

22. Upon request, the Public Works Director will be available to meet monthly with the supervisors of Rye and Falconer Townships to review progress and hear their concerns, and that County officials receive an agenda of noted township meetings.