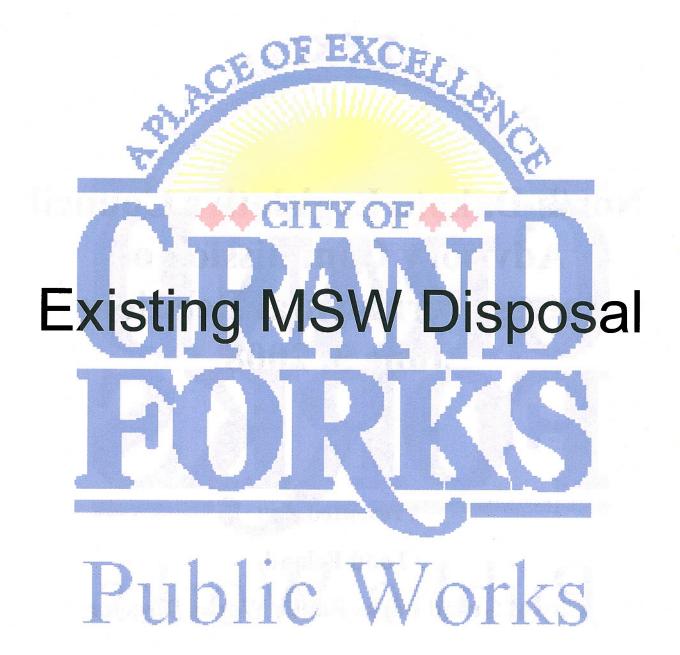
OF EXCE

North Dakota Legislative Council Advisory Commission on Intergovernmental Relations June 3, 2008

Presented by:

Todd Feland

City of Grand Forks Public Works Director



FAA Letter dated March 26, 2008



US Department of Tichsportation Federal Aviation Administration

March 26, 2008

Mr. Todd Feland City of Grand Forks Public Works Director PO Box 5200 Grand Forks, ND 58206-5200 Federal Avustion Administration Bismarck Airports District Office 2301 University Drive, Building 23B Bismarck, North Dakota 58504



Consideration of Extending Closure of the Existing Landfill under Specified Conditions Grand Forks, North Dakota

Dear Mr. Feland:

The Federal Aviation Administration (FAA) has reviewed year letters dated January 18,

The FAA has no objection to the request to extend the current MWS landfill operation until the date the Grand Forks International Airport runway 8R-26L is operational (but no later than October 2009) provided the conditions of your letters above and the following conditions are met:

The City has also provided the City Council Staff Report presented at the February 11, 2008 City Council Meeting which considers extension of the landfill until the date the Grand Forks International Airport runway 8R-26L is operational.

The FAA has no objection to the request to extend the current MWS landfill operation until the date the Grand Forks International Airport runway 8R-26L is operational (but no later than October 2009) provided the conditions of your letters above and the following conditions are met:

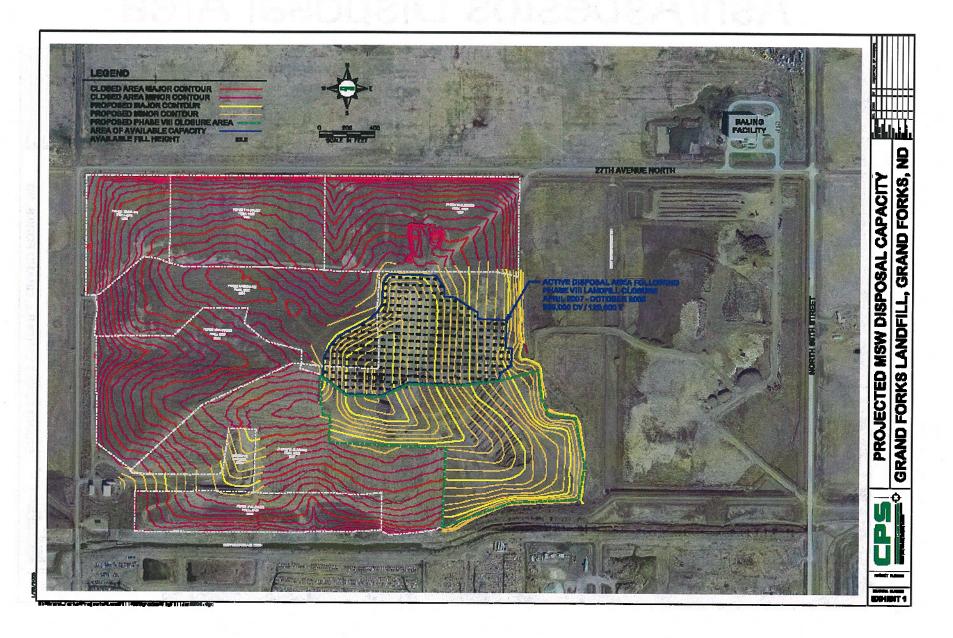
 The City incorporates the "Bird Control/Mitigation at Potential North End Grand Forks MSW Landfill Sites Plan October 23, 2007" as attached to the October 24, 2007 letter from the City to the USDA Wildlife Services into the existing MSW landfill operations in 2008. The Wildlife Activity Log (Operations Plan) shall continue to be reviewed regularly to determine if control measures are effectively keeping bird activity at a minimal, non-hazardous level.

City of Grand Forks Interim MSW Transport and Disposal Results Todd Feland, Public Works Director

Disposal Facility	Tonnage Accepted	Disposal (Tipping Fee per Ton)	Transport (per ton)	Fuel (City to provide @ \$4.00/g allon estimat ed per ton)	Baling (per ton)	Subtotal (per ton)	Overhead (Tappi ng Fee N. 69th St., Baling, Debt Service per ton)	Grand Tota (per ton)
Gwinner (WMI)	200 tons	\$21.50	\$9.39	\$10.21	\$9.50	\$50.60	\$7.50	\$58.10
Gwinner (WMI)	100 tons	\$23.00	\$9.39	\$10.21	\$9.50	\$52.10	\$7.50	\$59.60
Fargo	100 tons	\$27.00	\$5.48	\$5.11	\$9.50	\$47.09	\$7.50	\$54.59

Gwinner (200 tons) = \$58.10/ton

Gwinner/Fargo (100 tons each) \$59.60 +\$54.59 = \$114.19 / 2 = \$57.10/ton



Ash/Asbestos Disposal Area





**CITY OF **

Baling/Bagging System Implementation June 2008

Public Works



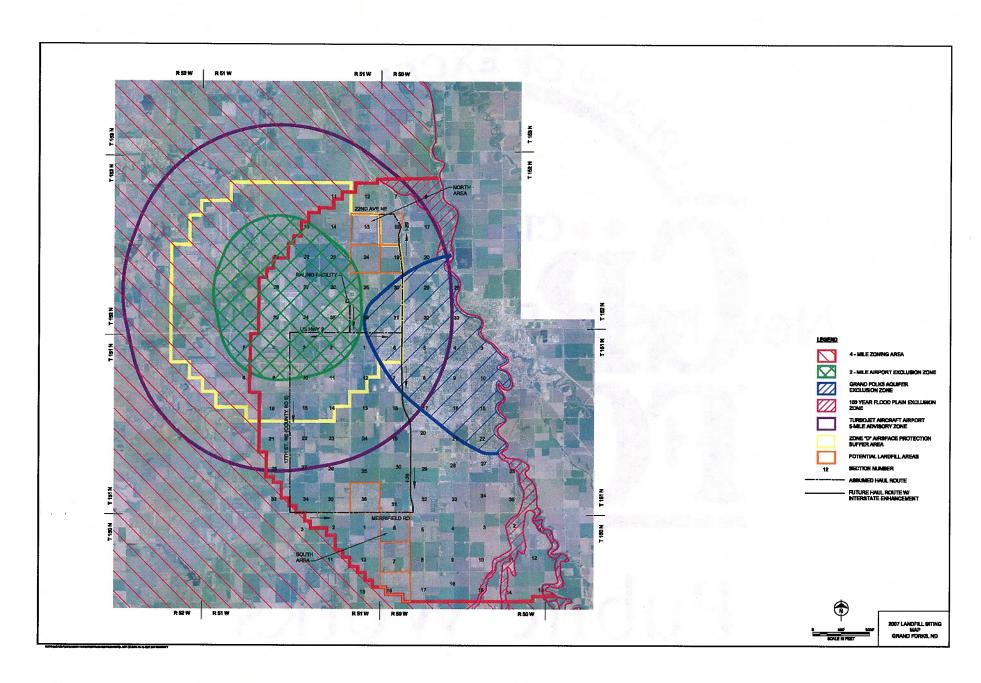


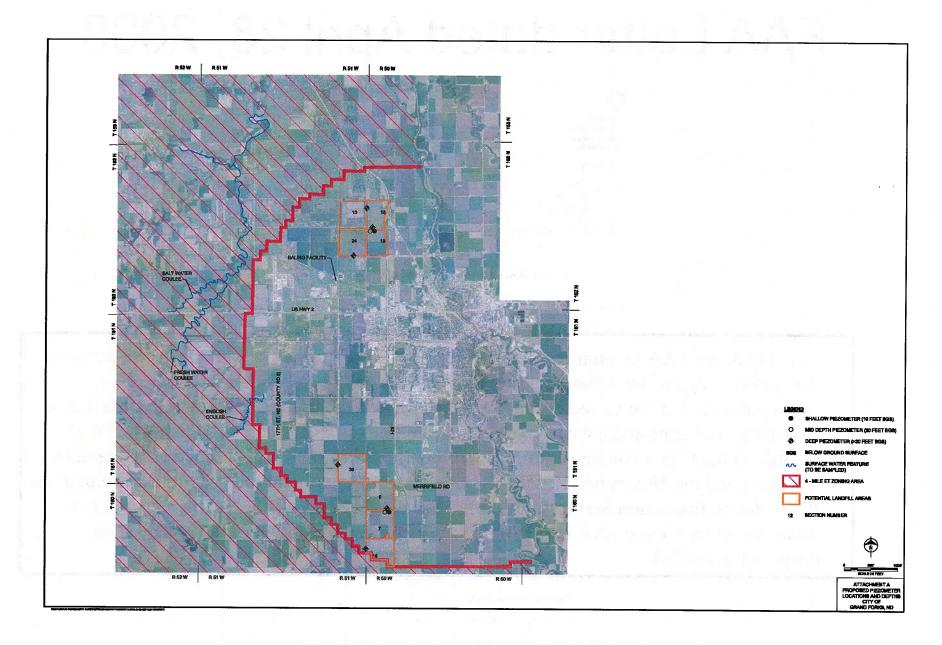




New MSW Disposal Efforts

Public Works





FAA Letter dated April 28, 2008



US Department of Transportation Federal Aviation Administration

April 28, 2008

Mr. Todd Feland City of Grand Forks Public Works Director PO Box 5200 Grand Forks, ND 58206-5200 Federal Aviation Administration Bismarck Amports District Office 2301 University Drive, Building 23B Bismarck, North Dakoto 58504



The City of Grand Forks New Municipal Solid Waste Landfill Facility Siting Grand Forks, North Dakota

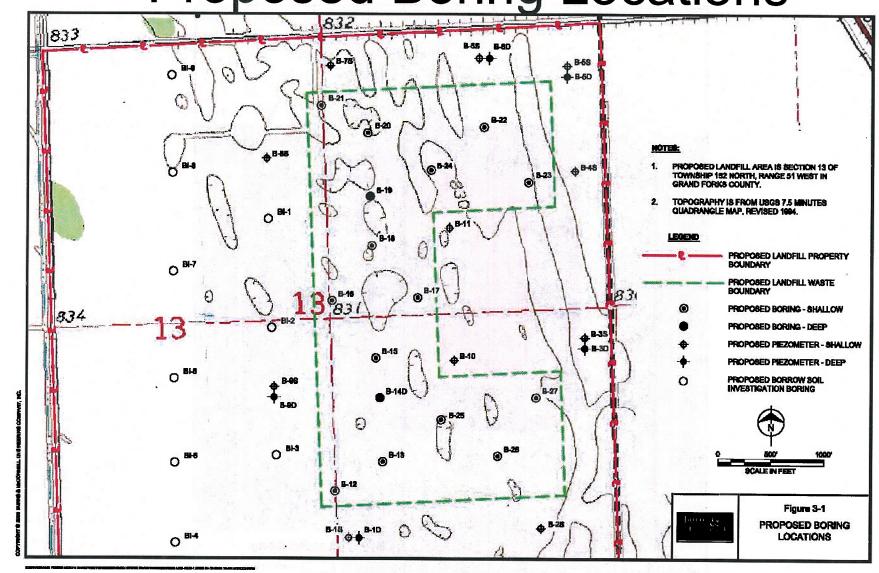
Dear Mr. Feland:

The Federal Aviation Administration (FAA) Bismarck Airports District Office, has

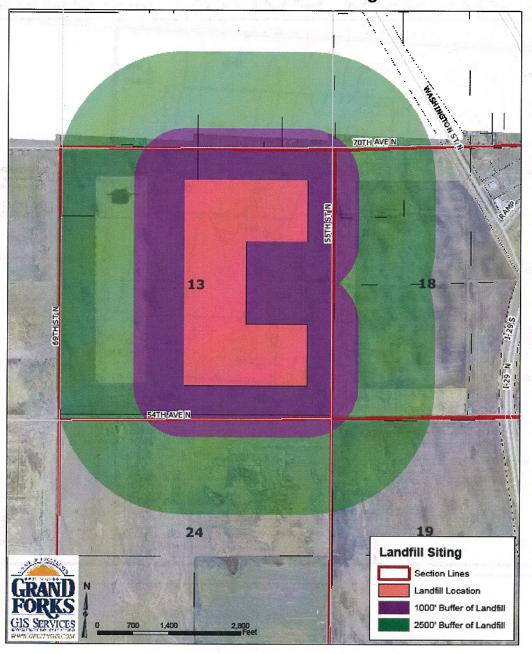
In general, the FAA recommends against locating MSWLF within 5 statute miles between the farthest edge of the airport's air operations area and the MSWLF. However, we understand the City of Grand Forks (City) has limited options available within their 4 mile extraterritorial zone and have been unsuccessful in their attempts to establish a MSWLF outside of the City's zoning control. Therefore, based on the City's limited siting options available and the November 21, 2007, United States Department of Agriculture, Animal and Plant Health Inspection Services, Wildlife Services (WS), Wildlife Hazard Site Visit and Assessment report, the FAA has no objection to the establishment of the MSWLF as proposed, provided:

- a. Use of various repulsion methods.
- b. Use of exclusion devices overhead wires and baling as further described in Options 1 and 3 of the assessment report.
- The City incorporates the "Bird Control/Mitigation at Potential North End Grand Forks municipal Solid Waste Landfill Sites Plan" dated October 23, 2007 and the

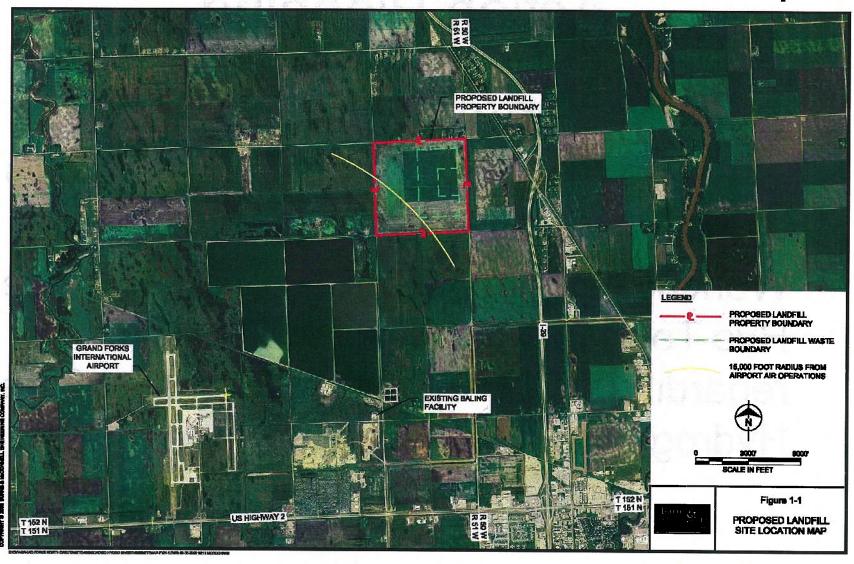
Proposed Boring Locations



Section 13 Landfill Siting



Proposed Landfill Site Location Map



Action Planning

- Working with five (5) owners of nearby occupied residences regarding appraisals of their property
- Working with an attorney representing the Rye Township Section 13 landowners regarding Right of Entry Agreements for a Hydrogeologic Investigation Work Plan.

Hydrogeologic Investigation Work Plan Timeline

- Final Subsurface Investigation Work Plan to ND Department of Health (NDDH) week of May 19, 2008.
- Subsurface Investigation Field Work May 13–July 11, 2008.
- Subsurface Investigation Report submitted to NDDH August 27, 2008.

Timeline for the Proposed Grand Forks Balefill

August 2007 – Approval to prepare Pre-applications for three (3) potential landfill areas within the City of Grand Forks (City) Extraterritorial Zone (ET).

September – October 2007 – Request and receive United States Department of Agriculture (USDA) input regarding landfill/airport siting issues.

September – November 2007 – Prepare and submit pre-applications to the North Dakota Department of Health (NDDH).

November - December 2007 - NDDH review of and approval/denial of pre-applications.

December 2007 - January 2008 - Select proposed landfill site.

January - March 2008 - Purchase site option/Address local zoning.

March - April 2008 - Prepare and submit Sub-surface Investigation Work Plan to NDDH.

April - May 2008 - NDDH review and approval of Work Plan.

May – September 2008 – Perform Subsurface Investigation (including soil survey), Prepare Report, and submit all to NDDH.

June - July 2008 - Prepare Landfill Design Criteria Report

June - September 2008 - Prepare Landfill Permit Application and submit to NDDH.

September – December 2008 – NDDH review of Application.

December 2008 - February 2009 - Provide responses to comments from NDDH.

February 2009 - Receive Solid Waste Management Permit.

January – March 2009 – Prepare Initial Facilities and Initial Balefill Cell Construction Documents and Bid.

April 2009 – Award construction contract for Initial Facilities and Initial Cell Construction.

April 2009 - October 2009 - Complete Initial Facilities and Initial Cell Construction.

November 2009 – Begin Balefill Operations.

- 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.
- 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 Wixo). 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.



May 20, 2008 Grand Forks City Council Service/Safety Committee Meeting with Rye Township Board of Supervisors

- Highlighted Action for City of Grand Forks to negotiate a host fee for existing and new City facilities in Rye Township
- Continue discussions/negotiations with Rye Township Board of Supervisors

OF EXCE May 27, 2008

Rye Township conducts an advisory vote against hosting a new landfill in Rye Township Public Works

June 17, 2008

City of Grand Forks planning to provide a briefing at the Grand Forks County Commission

Public Works

