



**Regular Meeting of the Planning Commission**

Tuesday, January 10, 2017

7 pm Regular Meeting

1307 Cloquet Ave, Cloquet, MN 55720

**AGENDA**

1. Call to Order
2. Roll Call
3. Election of Chairperson and Vice Chairperson
4. Additions/Changes to the Agenda
5. Minutes from the December 13, 2016 Planning Commission meeting
6. Zoning Case 16-20: SKB Environmental Cloquet Landfill, Inc., Conditional Use Permit Amendment
7. Property Owner Notification Distance – Discussion
8. Ed’s Bakery – Design Standards Discussion
9. Commissioner’s Questions/Comments
10. Adjourn

**NEXT MEETING:**

**February 14<sup>th</sup> @ 7 pm**



**Regular Meeting of the Planning Commission**

Tuesday, December 13, 2016

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

**CALL TO ORDER**

Chairperson Wilkinson called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Attending:** Planning Commission members: Chuck Buscher, Michael Haubner, Bryan Bosto, Kelly Johnson and Uriah Wilkinson; City: Al Cottingham.

**Absent:** Commission members: Jesse Berglund and John Sanders.

**Others Present:** Ryan O’Gara, Karla Southworth, Arnelda Southworth, Dick and Nancy Stevens, Ron Funes, Frank McKean, Jay Cameron, Barb Wyman, Roy and Linda Ober, Bob DeCaigny. John Badger, Clarence Badger and Keith Matzdorf.

**ADDITIONS/CHANGES TO THE AGENDA**

None.

**AGENDA ITEMS**

**November 9, 2016 Meeting Minutes**

Chairperson Wilkinson asked for any corrections or additions.

**Motion:** **Commissioner Johnson made a motion to approve the Planning Commission meeting minutes from November 9, 2016, Commissioner Buscher seconded. (Motion was approved 5-0).**

**Zoning Case 16-21: Easement Vacation, ISD #94**

Chairperson Wilkinson reviewed the public hearing procedures and format and opened the public hearing for Zoning Case 16-21, Easement Vacation for ISD #94 (Cloquet School District). He asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham noted this is a public hearing with a legal notice published in the Pine Journal on November 23, 2016 and affected property owners were sent notice of the meeting. ISD #94 is proposing to vacate a utility easement that is running through the middle of their property east of Arthur Street and south of Slate Street. They are proposing to relocate the utility at their expense in order to construct an addition onto Churchill School. A new easement would be created for the utility as it will run through the property. Mr. Jay Cameron is present representing ISD #94.

Chairman Wilkinson asked if anyone would like to address the Commission on this request.



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Jay Cameron, representing ISD # 94 noted that the existing storm sewer pipe needed to be relocated in order to constructed the Early Childhood Family Education addition onto the west side of Churchill School. A new easement would be created for the new line.

Chairman Wilkinson asked if anyone else wished to speak and since nobody wished to he closed the public hearing.

**Motion: Commissioner Johnson made a motion to adopt Resolution No. 16-21, A Resolution Recommending Approval of the Vacation of the Utility Easement lying east of Arthur Street and south of Slate Street for ISD #94, Commissioner Haubner seconded. (Motion was approved 5-0).**

Mr. Cottingham noted this request would be forwarded to the City Council for their meeting on December 20, 2016.

**Zoning Case 16-20: Conditional Use Permit Amendment for SKB Environmental Cloquet Landfill, Inc.**

Chairperson Wilkinson reviewed the public hearing procedures and format and opened the public hearing for Zoning Case 16-20, Conditional Use Permit Amendment for SKB Environmental Cloquet Landfill, Inc. He asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham noted this is a public hearing with a legal notice published in the Pine Journal on December 1, 2016 and property owners within 1320 feet were sent notice of the meeting. SKB is proposing to amend their hours of operation to be open from 7:00 am to 7:00 pm seven days a week. They are also proposing to remove the 20% cap of the total volume of paper sludge waste and to allow the acceptance of this material on a 24 hour basis. The heavy equipment on site would not be used after 7:00 pm or on Sundays to help with possible noise issues. He referenced that there were representatives from SKB present along with Fred Doran, Burns and McDonnell the cities landfill consultant. He noted that he had received emails from Karla Southworth and Larry Anderson FDLTCC and a phone call from Joe Anderson all opposed to the request.

Chairman Wilkinson inquired as to the items of concern in the staff report regarding the Gas Management and Monitoring Plan.

Cottingham noted that he believed these things had been resolved since the writing of the report but deferred to Fred Doran since he was working with them on this.

Doran commented that he had been working with SKB on the plan and had just a few minor items that needed to be resolved.

Chairman Wilkinson inquired what if the gas levels exceeded the maximum levels.

Doran stated they are working out the details on a procedure to follow if this occurs.



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Commissioner Haubner stated he felt this procedure should be worked out prior to the Commission acting on the request. He would like to know what the procedure is.

Kyle Backstrom, SKB agreed with Commissioner Haubner and they are working with the consultant to put a contingency action plan together. He noted the expanded hours were being requested to accommodate other businesses that work into the evening and are looking for a place to dispose of their materials. The expanded hours are not for the general public but for contractors that would be working past 5:00 pm.

Karla Southworth, 1414 Lawrence Road stated she did not believe the 1320 foot distance for the property owner notice was a far enough distance. She noted that this did not reach any of the residents in the area. She did not like the proposed hours of operation in that a lot of trucks could be coming in at all hours hauling paper sludge.

Clarence Badger, 1518 Moorhead Road noted that this started as a small landfill for Ulland Brothers back in the 70's and look at where it is today. He noted if the paper sludge was kept at less than 20% then there really isn't an issue with methane gas but if it is more than 20% then there would be an issue with the gas. He wants the notification distance to be increased to 2,640 feet rather than 1,320 feet this way someone would actually be notified.

Frank McKean, 1411 Janis Road stated it was a couple of years ago on the same issue for hours of operation. He does not understand how you can use the land in the future if you have gas being produced on the site.

Bob DeCainy, 1419 Lawrence Road wondered who monitors the sludge that is coming in for chemicals. Who sets the limits on the gas levels? Who confirms that things are monitored and who is impacted on these things. He also did not believe the notification distance was far enough. He felt the vibration of the equipment being run was an issue.

Barb Wyman, 347 Nelson Road with a son residing at 1409 Lawrence Road noted she was on the City Council when this was approved in 2011. If this request goes through then you will smell the gas from the paper sludge. She felt that the city did not do diligence with the property notification for this. She was concerned with the potential of underground fires from the methane gas. She felt that nobody would spread out the waste to keep it in thin layers. It was not the cities problem if they were not making any money with the facility. She was concerned with the perceived notion that Cloquet is a bad place because of the landfill if the paper sludge limit is lifted.

This ended the public comments at this time.

Backstrom inquired how the Commission would like the issues and concerns addressed.



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Chairman Wilkinson stated he would lead the discussion with the questions and then the appropriate parties could respond. What discussions had been held with the Minnesota Pollution control Agency (MPCA).

Backstrom stated that they have been discussing the possible changes with them and would be following their requirements.

Chairman Wilkinson inquired who would be in charge of air monitoring and who establishes the limits.

Doran noted the MPCA establishes the limits on gas emissions.

Backstrom noted there would be no more surface exposure with the additional material than today since they use it as a cover material currently.

Commissioner Johnson inquired as to the likelihood of an explosion.

Backstrom noted the paper sludge would not just be stockpiled and buried but would be mixing it with other materials to avoid the possibility of an explosion.

Chairman Wilkinson inquired how they know what chemicals are in the materials being brought in.

Backstrom noted that loads are randomly tested to verify what materials are in them as required by the MPCA.

Chairman Wilkinson inquired who monitors the gas emissions.

Cottingham stated the City, County and the MPCA.

Commissioner Buscher stated if there was methane gas present then this should be in the country and not close to homes.

Backstrom noted this is not a MSW (municipal solid waste) landfill and this material does not generate a large volume of methane gas like an MSW.

Commissioner Johnson stated she was concerned with not having enough information as to how they would deal with all of the possible gas issues.

Karla Southworth stated she was concerned with this becoming an MSW.

Backstrom noted if they overcame the challenges of the hours and the waste this would meet their financial needs and would no longer be pursuing an MSW.



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Commission Haubner stated there is lots of talk on monitoring the gas but what happens if they need a solution.

Backstrom stated they are working on the flow chart on how to handle things depending on what it may be.

Commissioner Haubner felt this should be tabled until they can see a flow chart.

John Domke, SKB stated they had submitted a plan and the one thing that they needed to do was a flow chart to specifically show how they would handle a gas situation.

Bob DeCainy again stated his concern with the volume of materials and his concern with the frequency of sampling of the material.

Backstrom noted there were many landfills around the state and the U.S. with these materials and private firms test the materials and there has not been an issue.

Clarence Badger stated that the MPCA doesn't have the staff to monitor the site more than twice a year. He felt that the site should be monitored for at least a week at a time and not just a short site visit and review of the paperwork.

Frank McKean stated they knew what they bought and should stick to those requirements. The neighborhood shouldn't have to suffer because of this.

Karla Southworth agreed with Mr. McKean.

Chairman Wilkinson asked if anyone else wished to speak and since nobody wished to he closed the public hearing.

Commissioner Johnson felt there should be a clarification from the MPCA and how the gas would be handled.

Chairman Wilkinson was concerned with the odor and possible continuous odor and how it is handled.

Commissioner Johnson wondered how they would meet the standards and a plan to take care of things.

**Motion: Commissioner Johnson made a motion to table the request to allow time for a flow chart to be prepared and to hear from the MPCA on any comments that they may have on this, Commissioner Haubner seconded. (Motion was approved 5-0).**



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Chairman Wilkinson reminded the public that when this comes back to the Commission that the public hearing was closed and the discussion would be between them, staff and SKB. It is a public meeting so they are more than welcome to attend. They should keep in touch with Mr. Cottingham as to when this would be placed on the agenda.

**Commissioner's Questions/Comment**

Mr. Cottingham noted this was Mr. Buscher's last meeting with the Commission and thanked him for the time that he had served.

**Next Meeting**

January 10, 2017

Meeting adjourned 8:22 p.m.

Respectfully submitted,

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Al Cottingham, City Planner/Zoning Administrator



Community Development Department  
1307 Cloquet Avenue • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: January 4, 2017

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**ITEM DESCRIPTION: ZONING CASE 16-20: CONDITIONAL USE PERMIT  
AMENDMENT FOR SHAMROCK LANDFILL**

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**Background**

On February 15, 2011 the City Council approved a conditional use permit for Shamrock Environmental, LLC for an Industrial Waste Landfill at 761 Highway 45 subject to a number of conditions. On November 5, 2014 the condition that limited the hours of operation was amended to allow hours of 7:00 AM to 5:00 PM Monday through Saturday and Noon to 4:00 PM on Sunday. The Sunday hours were allowed on a trial basis only for the winter months of 2014 – 2015 and were specifically to allow SKB to dump paper sludge waste only with a maximum of 5 truckloads. The applicant is proposing to amend two of those conditions pertaining to hours of operation and the amount of paper sludge waste that is allowed.

A public hearing was held on Tuesday, December 13, 2016 to consider a conditional use permit amendment. The conditional use permit amendment is to amend the hours of Shamrock Landfill to be open 7:00 am to 7:00 pm; seven (7) days per week while still maintaining the flexibility to expand hours beyond proposed for specific projects with approval from the City in the HI – Heavy Industry District. Also to remove the 20% cap of the total annual volume of paper sludge waste and allow the acceptance of this material on a 24 hour basis. The heavy equipment on site would not be used after 7:00 pm or on Sundays to help with possible noise issues. A legal notice was published in the Pine Journal on December 1, 2016 and property owners within 1320 feet were sent notices of the public hearing.

**Policy Objectives**

The Conditional Use Permit is for the Industrial Landfill in the HI – Heavy Industry District. The landfill is a permitted use that conditions can be placed on to ensure adequate conditions and thresholds are in place to provide protections from the approved land use.





**Community Development Department**  
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### **Staff Review**

During the early operations of the landfill staff received anonymous complaints regarding the operations and upon investigation determined that they were unfounded. The landfill has been in operation for over four years and has been a good neighbor. We have received complaints regarding the gravel mining operations in the same area which is why some people may have thought it was the landfill. With the extended hours that were approved in 2014 they were required to monitor the noise levels to determine what if any were the impacts on the Hilltop neighborhood. The noise monitoring equipment showed that there was more noise coming from Interstate 35 and the railroad whistle than the trucks dumping loads at the landfill. There were no complaints filed with the city during this time frame.

There are currently four other users in this general area; two gravel operations, a wood storage yard and a woodchip operation. The Ulland Gravel Pit is approved to operate 12 hour days Monday through Saturday while the KGM Gravel Pit is approved to operate from 7:00 am to 8:00 pm Monday through Saturday. The woodchip operation typically operates from 6:00 am to 5:30 pm every day. The wood storage yard has no hours of operation. Both the woodchip operation and the wood storage yard are permitted uses in the HI – Heavy Industry District and thus the city does not regulate their hours of operation.

The second part of their request is to remove the 20 percent limit on paper sludge waste also referred to as SRFI waste. As part of this they have submitted a “Gas Management and Monitoring Plan”. This plan was given to the cities landfill consultant, Fred Doran, Burns & McDonnell for their review and comments which are attached. The comments have all been addressed to the satisfaction of our consultant; this includes the flow charts on landfill gas build up inside confined spaces and odor control. Copies of these are attached.

Staff has discussed this possibility with the Minnesota Pollution Control Agency (MPCA) and has the following to offer. A change to SW-399 MPCA Permit will need to be submitted which will then be reviewed by staff to determine if this is a minor or major change to their permit. If it is a minor change then staff will review the proposal to be sure all requirements of the MPCA are met before approving the amendment. If it is a major change then it will require a public notification and hearing process prior to any change taking place. The staff person that I discussed this with did not feel this was something that would be denied by MPCA if it met their minimum requirements.



### **Conditional Use Permit**

This operation was approved as a Conditional Use in 2011 with conditions placed upon it. The Zoning Ordinance states Conditional Use Permits may be granted when they comply with the following approval criteria: (*Staff comments in italic*)

1. Consistency with the Comprehensive Plan. The relationship of the proposed use to the goals, objectives, and policies of the City of Cloquet Comprehensive Plan. *The Plan identifies the area as interim mining with commercial-industrial reserve following that.*
2. Compatibility. The compatibility of the proposed use with existing development within three hundred (300) feet of the proposed use and within five hundred (500) feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible. *The proposed use is compatible with the former use of this site as a gravel mining operation. Access to the site is via Highway 45 to the east along with one of the gravel operations, the Sappi wood lot and Carlson Timber.*
3. Importance of services to the community. The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable. *The landfill provides a location for industrial demolition materials to be brought for business in Cloquet and the surrounding area.*
4. Neighborhood protections. The sufficiency of terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. *With the approval in 2011 there were a number of conditions to protect the residents some 1500 feet away. This included a berm and plantings. The “Gas Monitoring and Management Plan” will also help with this.*
5. Conformance with other requirements of this Chapter. The conformance of the proposed development with all provisions of this Chapter. *The proposed new hours of operation will be in compliance with all requirements of the Zoning Ordinance and the approved conditional use permit. The additional amount of paper sludge waste will also be in compliance with the requirements of the Zoning Ordinance.*



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6. Other factor. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Planning Commission or the City Council feels are necessary for review in order to make an informed and just decision.

### **Financial Impacts**

The applicant has paid the conditional use permit fees.

### **Staff Recommendation**

Staff recommends that the Planning Commission move to adopt Resolution 16-20 Hours and 16-20 Paper Sludge, Resolutions recommending approval of the conditional use permit amendments for property located at 761 Highway 45 for Shamrock Landfill subject to the conditions in the attached resolutions.

### **Attachments**

- Resolution 16-20 Hours
- Resolution 16-20 Paper Sludge
- Location Map
- Petitioner's Narrative
- Resolution 11-11 Approving the CUP
- Consultant Comments with SKB Response

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 16-20 Hours**

**A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR THE EXPANDED HOURS OF OPERATION FOR SHAMROCK LANDFILL**

**WHEREAS**, an Application has been submitted by Shamrock Landfill to amend their existing conditional use permit which was approved on February 15, 2011 and amended on November 5, 2014. The amendment request is pursuant to 17.2.06 of the City Code, for the 59-acre Industrial Landfill to modify their hours of operation to allow new hours of 7:00 A.M. to 7:00 P.M. seven days a week; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and all property owners within 1320 feet were notified. A public hearing was held to consider the Application at the regular meeting of the Cloquet Planning Commission on December 13, 2016 at which time Zoning Case / Development Review No. 16-20 was heard and discussed; and

**WHEREAS**, the property of the proposed Conditional Use Permit Amendment is located at 761 Highway 45 and is legally described as follows:

That part of the West 390.00 feet of the Northwest Quarter of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35 and northerly of the South 100.00 feet of said Northwest Quarter of the Southeast Quarter.

AND ALSO

That part of the South 100.00 feet of the North Half of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies westerly of the right-of-way of the Great Northern Railway (now known as Burlington Northern Santa Fe Railroad).

AND ALSO

That part of the East 600.00 feet of the Northeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35.

AND ALSO

The east 600.00 feet of the Southeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota.

AND ALSO

The South Half of Southeast Quarter lying West of Great Northern Railway Company's right-of-way (now known as Burlington Northern Santa Fe Railroad), Section 25, Township 49, Range 17, according to the United States Government Survey thereof.

EXCEPT those two parcels lying within the following described tracts;

1. Beginning at a point on the south line of said Section 25, distant 100 feet west of the southeast corner of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  thereof; thence run northeasterly at an angle of 68 degrees 00 minutes with said south line for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet; thence deflect to the left at an angle of 68 degrees 00 minutes for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet to the beginning.

2. From a point on the south line of said Section 25 distant of 100 feet west of the southeast corner of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  , thereof, run northeasterly at an angle of 68 degrees 00 minutes with said south section line for 475 feet to the point of beginning; thence continue northeasterly along the above described course to its intersection with a line run parallel with and distant 660 feet north of the south line of said Section 25; thence run west along said 660 foot parallel line to its intersection with a line run parallel with and distant 992 feet west of the east line of the SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of said Section 25; thence run south along said 992 foot parallel line to the south line of said Section 25; thence run east along said section line for 392 feet; thence deflect to the left 68 degrees 00 minutes for 475 feet; thence deflect to the right 68 degrees for 500 feet to the point of beginning.

**WHEREAS**, the Cloquet Planning Commission reviewed the Application to Amend the Conditional Use Permit for Shamrock Landfill to modify their hours of operation to allow new hours of 7:00 A.M. to 7:00 P.M. seven days a week per Section 17.2.06 Subdivisions 3 and 4 of the Cloquet Zoning Ordinance and made a finding of fact as follows:

1. The landfill as previously determined had a legal right to establish their business in this location as a land use. After a moratorium on landfills in 2011, landfills are no longer allowed to be established or expanded in the City of Cloquet.
2. The proposed use is compatible with existing development within 300' of the proposed use and within 500' along the same street and development anticipated in the foreseeable future within the neighborhood and conditions would make the use more compatible.
3. The service provided by the landfill is important to the community.
4. The Amended Conditional Use Permit will continue to protect and maintain neighborhood protections for the surrounding neighborhood with these modified hours of operation.
5. This application is in conformance with other requirements of the Cloquet Zoning Ordinance.
6. There are no other factors or additional conditions impacting this application.

**NOW THEREFORE BE IT RESOLVED**, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission recommends approval of Zoning Case 16-20 for an amendment to the Conditional Use Permit for Shamrock Landfill subject to the following conditions:

1. The hours of operation shall be 7:00 AM to 7:00 PM seven days a week. Exceptions to the hours are per the approved existing Conditional Use Permit.
2. No heavy equipment shall be operated on site between the hours of 7:00 PM and 7:00 AM and on Sunday.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_ NAY: \_\_\_ ABSENT: \_\_\_

JESSE BERGLUND	_____	BRYAN BOSTO	_____
MICHAEL HAUBNER	_____	KELLY JOHNSON	_____
JOHN SANDERS	_____	URIAH WILKINSON	_____

Passed and adopted this 10<sup>th</sup> day of January 2017.

CITY OF CLOQUET

\_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 16-20 Paper Sludge**

**A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT TO REMOVE THE LIMITS OF ALLOWED PAPER SLUDGE WASTE FOR SHAMROCK LANDFILL**

**WHEREAS**, an Application has been submitted by Shamrock Landfill to amend their existing conditional use permit which was approved on February 15, 2011 and amended on November 5, 2014. The amendment request is pursuant to 17.2.06 of the City Code, for the 59-acre Industrial Landfill to remove the amount of paper sludge waste allowed; and, to allow the acceptance of the paper sludge waste at any time of the day or night; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and all property owners within 1320 feet were notified. A public hearing was held to consider the Application at the regular meeting of the Cloquet Planning Commission on December 13, 2016 at which time Zoning Case / Development Review No. 16-20 was heard and discussed; and

**WHEREAS**, the property of the proposed Conditional Use Permit Amendment is located at 761 Highway 45 and is legally described as follows:

That part of the West 390.00 feet of the Northwest Quarter of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35 and northerly of the South 100.00 feet of said Northwest Quarter of the Southeast Quarter.

AND ALSO

That part of the South 100.00 feet of the North Half of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies westerly of the right-of-way of the Great Northern Railway (now known as Burlington Northern Santa Fe Railroad).

AND ALSO

That part of the East 600.00 feet of the Northeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35.

AND ALSO

The east 600.00 feet of the Southeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota.

AND ALSO

The South Half of Southeast Quarter lying West of Great Northern Railway Company's right-of-way (now known as Burlington Northern Santa Fe Railroad), Section 25, Township 49, Range 17, according to the United States Government Survey thereof.

EXCEPT those two parcels lying within the following described tracts;

1. Beginning at a point on the south line of said Section 25, distant 100 feet west of the southeast corner of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  thereof; thence run northeasterly at an angle of 68 degrees 00 minutes with said south line for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet; thence deflect to the left at an angle of 68 degrees 00 minutes for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet to the beginning.

2. From a point on the south line of said Section 25 distant of 100 feet west of the southeast corner of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  , thereof, run northeasterly at an angle of 68 degrees 00 minutes with said south section line for 475 feet to the point of beginning; thence continue northeasterly along the above described course to its intersection with a line run parallel with and distant 660 feet north of the south line of said Section 25; thence run west along said 660 foot parallel line to its intersection with a line run parallel with and distant 992 feet west of the east line of the SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of said Section 25; thence run south along said 992 foot parallel line to the south line of said Section 25; thence run east along said section line for 392 feet; thence deflect to the left 68 degrees 00 minutes for 475 feet; thence deflect to the right 68 degrees for 500 feet to the point of beginning.

**WHEREAS**, the Cloquet Planning Commission reviewed the Application to Amend the Conditional Use Permit for Shamrock Landfill to remove the amount of paper sludge waste allowed; and, to allow the acceptance of the paper sludge waste at any time of the day or night per Section 17.2.06 Subdivisions 3 and 4 of the Cloquet Zoning Ordinance and made a finding of fact as follows:

1. The landfill as previously determined had a legal right to establish their business in this location as a land use. After a moratorium on landfills in 2011, landfills are no longer allowed to be established or expanded in the City of Cloquet.
2. The proposed use is compatible with existing development within 300' of the proposed use and within 500' along the same street and development anticipated in the foreseeable future within the neighborhood and conditions would make the use more compatible.
3. The service provided by the landfill is important to the community.
4. The Amended Conditional Use Permit will continue to protect and maintain neighborhood protections for the surrounding neighborhood with these modified hours of operation.
5. This application is in conformance with other requirements of the Cloquet Zoning Ordinance.
6. There are no other factors or additional conditions impacting this application.



**NOW THEREFORE BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA,** that the Planning Commission recommends approval of Zoning Case 16-20 for an amendment to the Conditional Use Permit for Shamrock Landfill subject to the following conditions:

1. The Gas Management and Monitoring Plan must be approved by the Minnesota Pollution Control Agency and implemented.
2. Loads of paper sludge waste are allowed to unload at any time of the day or night.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_ NAY: \_\_\_ ABSENT: \_\_\_

JESSE BERGLUND	_____	BRYAN BOSTO	_____
MICHAEL HAUBNER	_____	KELLY JOHNSON	_____
JOHN SANDERS	_____	URIAH WILKINSON	_____

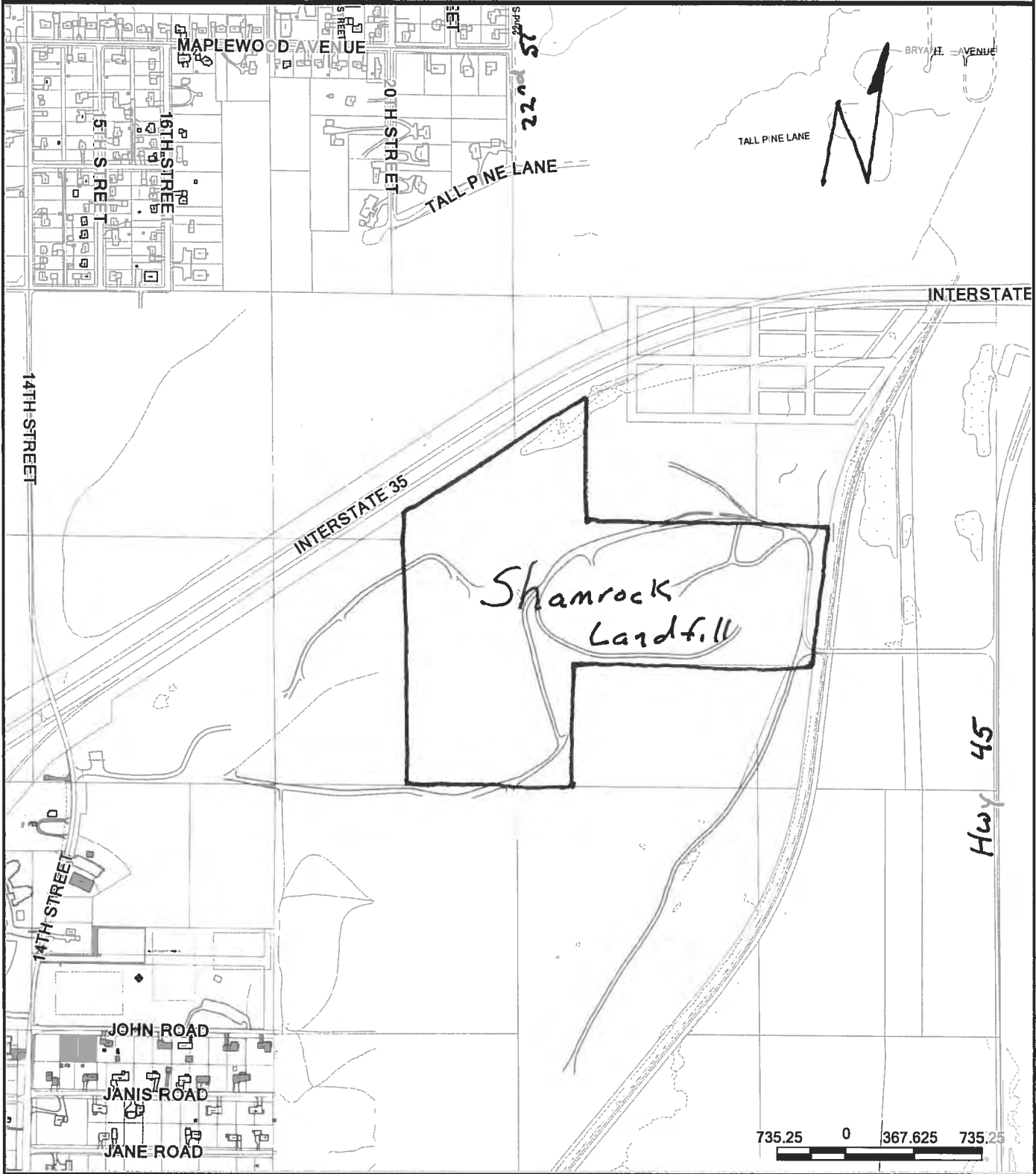
Passed and adopted this 10<sup>th</sup> day of January 2017.

CITY OF CLOQUET

\_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator

# City of Cloquet



This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of the maps to define the limits or jurisdiction of any federal, state, or local government. Detailed on-the-

10/19/16



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City of Cloquet Community Development Department  
Al Cottingham  
1307 Cloquet Ave  
Cloquet, MN 55720

RE: Conditional Use Permit Application

Mr. Cottingham,

Please see the included application and related information to amend our Conditional Use Permit. Below are the categories we are seeking to amend in order for our company to meet standard industry requirements, stabilize and grow our customer base and continue to be a strong community partner with the City of Cloquet.

**Hours of Operation:** Current hours are Monday through Saturday 7:00am – 5:00pm. It is our intent to have the ability to operate between the hours of 7:00am – 7:00pm; 7 days per week while still maintaining the flexibility to expand hours beyond proposed for specific projects with approval from the City of Cloquet.

**Material Acceptance:** Currently our CUP restricts our acceptance of “paper mill sludge” to a maximum of 20% of the total annual volume of material we receive at our site. With MPCA approval and implementation of the included Gas Management and Monitoring Plan it is our intent to lift the percentage restriction. Additionally, SKB Environmental Cloquet Landfill Inc. recently executed a new 5 year agreement with Verso Paper to responsibly manage paper mill sludge. In order to effectively manage this waste stream and to increase the Host Fee revenue to the City of Cloquet we are requesting to have 24 hour acceptance of this specific material at our facility.

We feel the above changes are necessary to eliminate the competitive disadvantage we face versus all other regional Industrial Solid Waste Landfills that offer extended hours of operation and material acceptance. SKB Environmental will reimburse the City of Cloquet the costs associated with hiring an independent Environmental Consultant to review and approve the enclosed application.

In closing, we look forward to further dialog and support from the City of Cloquet in achieving these objectives. Please feel free to contact me at any time with questions or comments.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "KCB", is written over the typed name.

Kyle Backstrom

# SKB Environmental Cloquet Landfill Gas Management and Monitoring Plan

MPCA Permit #SW-399

*Prepared for:*  
SKB Environmental Cloquet  
Landfill, Inc.  
f/n/a Shamrock Landfill, Inc.

251 Starkey Street  
St. Paul, Minnesota  
55107



Responsive partner.  
Exceptional outcomes.

*Prepared by:*

**WENCK Associates, Inc.**  
1800 Pioneer Creek Center  
Maple Plain, MN 55359  
Phone: 763-479-4200  
Fax: 763-479-4242

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- 3 Proposed Gas Monitoring Construction Details

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# 1.0 Introduction

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## 1.1 PURPOSE

The SKB Environmental Cloquet Landfill (SKB Cloquet Landfill) is an industrial waste landfill, located in Cloquet, Minnesota, which has been in operation since 1989 under Minnesota Pollution Control Agency (MPCA) Solid Waste Permit SW-399. An Aerial Site Location Map is provided as Figure 1. The landfill is owned and operated by SKB Environmental Cloquet Landfill, Inc. f/n/a Shamrock Landfill Inc. (SKB Cloquet), who is responsible for all operations at the landfill. The purpose of this report is to provide a Gas Management and Monitoring Plan for the SKB Cloquet Landfill, in accordance with Minnesota Solid Waste Rule 7035.2815, Subp. 11, items A through G. This plan was originally submitted in August 2012 and has been revised to reflect recent comments received from the City of Cloquet.

The Gas Management and Monitoring Plan provided within was requested by the MPCA to be part of a permit modification request by SKB Cloquet in order to allow the acceptance of paper mill sludge at more than 20% of the total annual volume of the landfill. Existing Permit SW-399 currently restricts the amount of paper sludge accepted at the landfill to a maximum of 20% of the total annual volume.

## 1.2 BACKGROUND

The methane component of landfill (LFG) is combustible in the concentration range of 5 to 15 percent by volume in air. Five percent is considered the lower explosive limit or LEL and 15 percent is considered the upper explosive limit or UEL. Consequently, migration and concentration of methane into enclosed spaces could result in an explosive atmosphere. Therefore, Minnesota Rule 7035.2815 Subp. 11 requires that the concentration of any explosive gas not exceed the LEL at the property boundary or 25 percent of the LEL in or around facility structures.

If allowed to accept paper mill sludge at more than 20% of the landfill's total permitted volume, SKB Cloquet will employ a comprehensive monitoring program for early detection of landfill gas (LFG) in on-site structures and at the property boundary. Minnesota Rule 7035.2815 Subp. 11 also requires that occupied buildings and structures located at the facility be continuously monitored using electronic monitoring devices. These devices allow for detection of concentrations of LFG well below the concentrations at which the gas reaches an explosive range. Landfill gas migration from landfills is typically monitored with landfill gas monitoring probes around the perimeter of the facility. SKB Cloquet will evaluate the need to install passive vertical gas vents or an active gas collection system should compliance with the LEL concentrations become an issue.

## 2.0 Gas Monitoring and Gas System Design

### 2.1 METHANE MONITORING PROBES

Based on the geographic nature and hydrogeologic conditions at the site, it was determined that there are no confining soils between the ground surface and the water table to act as a confining layer for any migratory gas in the surrounding area. More specifically, previous hydrogeologic investigations indicate that the site is located in a glacial fluvial outwash deposit consisting of sand and gravel. Bedrock underlays the outwash deposit and there are exposed bedrock outcroppings to the east and northeast of the landfill. Previous investigations indicate a depth to bedrock of approximately 7 feet on the east end of the site near piezometer 2 to approximately 34 feet near piezometer 5. Therefore monitoring probes will be placed at approximate known depths of the static water table and bedrock as provided in Table 1.

A total of six (6) gas probes are proposed to be installed as shown and noted on Figure 2, and construction details provided on Figure 3. It should be noted that future gas probe locations, as the landfill cells are constructed to the east, are also shown on Figure 2. In general, the gas probes will be shallower installations due to the minimal depth to groundwater, particularly in the southwest corner of the landfill. In general, the probes have been located around the perimeter of the landfill approximately 5 to 10 feet inside the property boundary. It is important to note that the closest potential receptors are located over 1,500 feet from the southwest corner of the landfill. The site is bordered by Interstate Highway 35 to the north and undeveloped property to the east and south to southeast.

### 2.2 VERTICAL GAS VENTS

Upon final closure of cell disposal areas at SKB Cloquet Landfill, the installation of passive vertical gas vents will be evaluated based on results obtained from the methane monitoring probes. The exact number and placement of the gas vents would be designed to encourage vertical gas migration by releasing gas pressure in the fill area to prevent damage to the engineered cover system. At the time of final closure construction activities, the number and placement of the vertical gas vents, if required, would be proposed as part of submittal of the closure construction plans and specifications to the MPCA for review approved as required by the landfill's permit. In general, the vertical gas vents will penetrate the waste to approximately 15 feet from the bottom of the landfill (base liner) and be constructed with 36-inch diameter borings and perforated 6-inch diameter vent pipes. The borings will be filled with coarse aggregate over the length of the perforated vent pipe and will be sealed with bentonite or grout at both ends. The 6-inch vent pipe will extend through the final cover system approximately five (5) feet above the surface of the landfill. See Figure 3 for proposed details.



## 3.0 Gas Monitoring Plan

---

### 3.1 GENERAL

The methane monitoring plan is intended to satisfy the permit requirements by establishing a comprehensive plan for developing a combustible gas monitoring system, which will indicate conditions at, and immediately surrounding, the landfill site.

Methane is lighter than air and tends to rise through refuse or soil and vent to the atmosphere. However, when combined with carbon dioxide, methane can migrate laterally. Methane will not breach the soil below the water table unless under pressure. As landfill area is covered with impermeable final cover, the potential for lateral gas migration away from the landfill is increased.

### 3.2 MONITORING APPROACH

As indicated above, the approach to methane monitoring at SKB Cloquet Landfill will be one of progression. Steps taken during development will be a continuous process that provides sufficient coverage with respect to health and welfare to the public, site operators, and landfill site neighbors.

### 3.3 MONITORING METHODS AND FREQUENCY

Monitoring will be performed monthly by SKB Cloquet using a portable methane gas meter capable of reading less than 25 percent of the LEL of the Landfill Gas (LFG). Monthly recordings will include methane concentrations, barometric pressure, weather conditions, date, time, and name of technician performing the monitoring. Submittal of the monthly recordings will be to the SKB Cloquet environmental manager on a monthly basis for inclusion in the landfill's Annual Report. See Appendix A for example recording log.

#### 3.3.1 GAS PROBES

SKB Cloquet personnel will sample all gas probes on a monthly basis. Gas probe monitoring will be conducted through the use of hand held monitoring instruments, which is calibrated prior to use.

It is also important to note that during site inspections, SKB Cloquet will also be looking for signs of gas migration such as: vegetative stress, odors, bare ground, and melting snow.

#### 3.3.2 SITE STRUCTURES

SKB Cloquet personnel on a monthly basis will monitor all occupied on-site structures. A general airspace survey will be conducted through the use of a hand held monitoring instrument. Additional monitoring will be conducted at spot locations, such as cracks in the floor and isolated corners.

If methane concentrations are detected above 25 percent of the LEL (1.25% Methane) in any on-site structure, appropriate contingency and response actions will be taken as outlined below.

## Confined Spaces

A hand held instrument and personnel protective meters will be used to monitoring permitted confined spaces prior to entry and while in the permitted confined space. Data collected from the confined spaces will be recorded as necessary on the confined space entry permit as applicable per SKB Cloquet's confined space program. The facility's confined space program is included as part of SKB Cloquet's overall health and safety program.

## On-Site Structures

One (1) continuous gas monitor will be installed at the scalehouse trailer on-site as located on Figure 2, to monitor methane concentrations within this structure at the landfill. It should be noted that this structure does not sit on a foundation; the trailer is positioned on concrete blocks. The monitor will be checked recorded monthly by SKB Cloquet staff and the readings will be recorded on a log sheet, provided in Appendix A.

The continuous monitors are fixed-point monitors designed to provide continuous monitoring of hazardous gases (i.e., methane). The monitored values will be displayed on a digital readout or staff will be alerted by an alarm. All Staff stationed at the SKB Cloquet Landfill will be trained in the operation and recording of the Continuous Monitors. An operation and maintenance manual for the meter must be kept on-site and provide the following information:

- ▲ Safety information
- ▲ Installation and start-up procedures
- ▲ Calibration procedures
- ▲ Alarm operations

The monitors will be calibrated per manufacture recommendations. If methane is detected above acceptable limits (25 percent of LEL) at any of these points, the facility shall be evacuated and ventilated and the source of gas investigated. The Landfill Manager should be notified immediately.

### 3.4 CONTINGENCY ACTION PLAN

Minnesota Solid Waste Rules Section 7035.2815, Subpart 11 requires that the concentration of any explosive gas (consisting primarily of methane at landfill sites) not exceed its lower explosive limit (LEL) at the property boundary nor 25 percent of the LEL in and around all facility structures, or any other on-site monitoring point.

In the event of an exceedence in the concentration of explosive gas at facility monitoring points, the following responses will be taken:

- ▲ If immediately threatening to human health, take immediate remedial action, including building evacuations, and/or access controls, until remedial measures are evaluated and implemented.
  - Notify the MPCA
- ▲ If not immediately threatening to human health, (i.e. monitoring probes) resample monitoring points to confirm exceedence.

- ▲ If exceedence is confirmed, notify the MPCA and any potentially affected property owners.
  - Within 180 days, submit to the MPCA a response action plan or demonstrate that the methane levels at the monitoring location have decreased to below the required level.
  - Remedial actions may include:
    - Implementation of a passive gas venting system
    - Implementation of an active gas extraction system
    - Increase in the frequency of monitoring
    - Installation of continuous monitoring systems and/or modified ventilation systems in structures.

### **3.5 GAS MONITORING SYSTEM MAINTENANCE**

The condition of the landfill gas management and monitoring system will be monitored during the scheduled site inspections by the site. Repairs to the probes will be made on an as-needed basis.

### **3.6 REPORTING**

Information regarding landfill gas monitoring shall be reported to the MPCA in regular annual reports. If hazardous conditions and/or the potential for hazardous conditions are realized at or near the landfill site, the MPCA will be notified of the situation within 24 hours. The MPCA must be notified within 24 hours of discovery of a noncompliance which could endanger human health, public drinking water supplies, or the environment.

## Tables

---

1. Proposed Gas Monitoring Probe Construction Information

Table 1

General Construction Information for Proposed Gas Monitoring Probes  
 SKB Environmental Landfill  
 Cloquet, MN

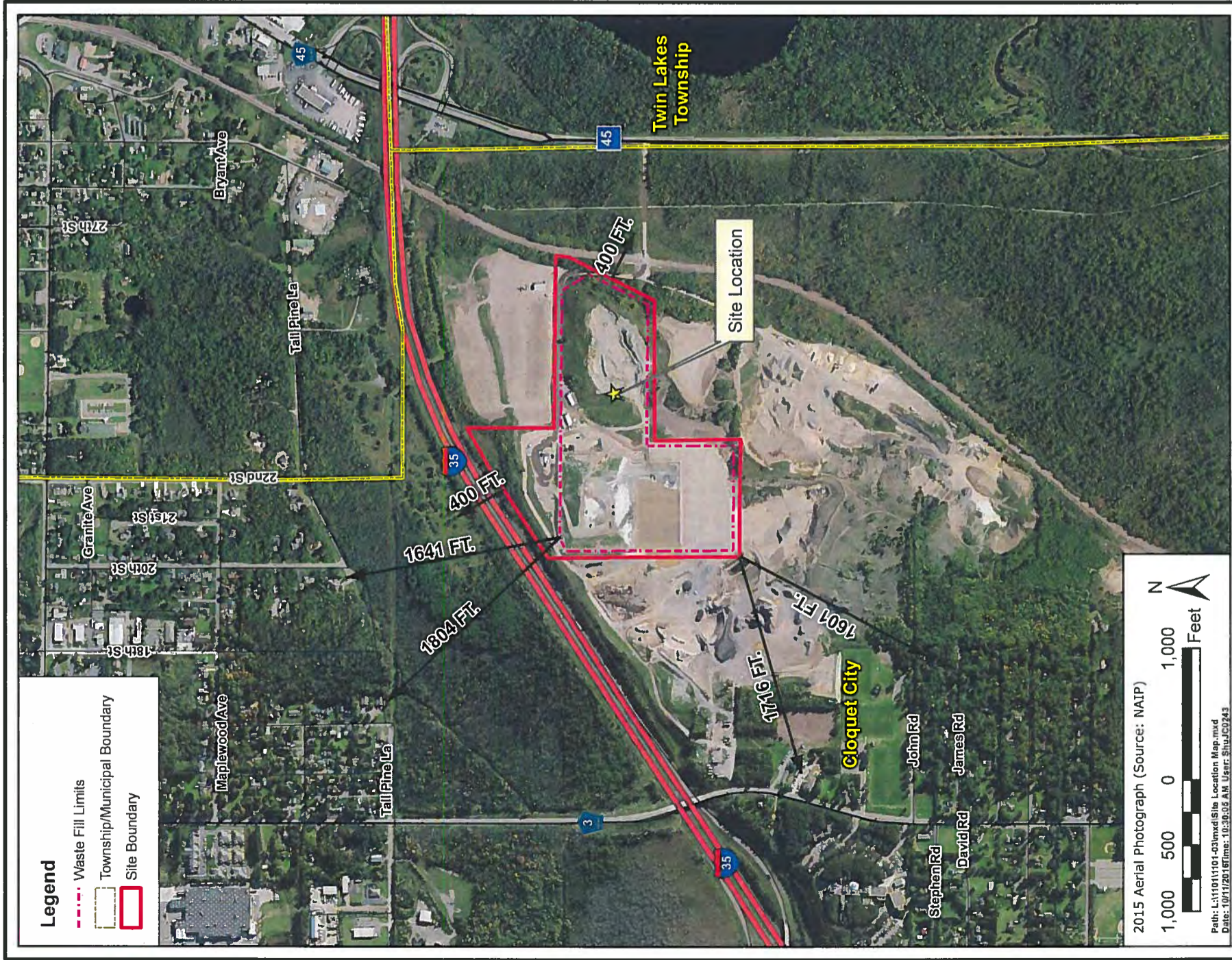
ID	Existing Ground Surface (Ft. -- NGVD)	Approximate Water Table Elevations (Ft. -- NGVD)	Depth of Probe from Ground Surface (Ft.)	Proposed Screen Length (Ft.)	Thickness of Surface Seal (Ft.)
GP-1	1150	1140	10	6	3
GP-2	1162	1138	24	20	3
GP-3	1160	1141	19	15	3
GP-4	1147	1139	8	4	3
GP-5	1160	1142	18	14	3
GP-6	1171	1148	23	19	3

Note: Gas monitoring probes to extend (stick-up) a minimum of 4-feet above ground surface.

## Figures

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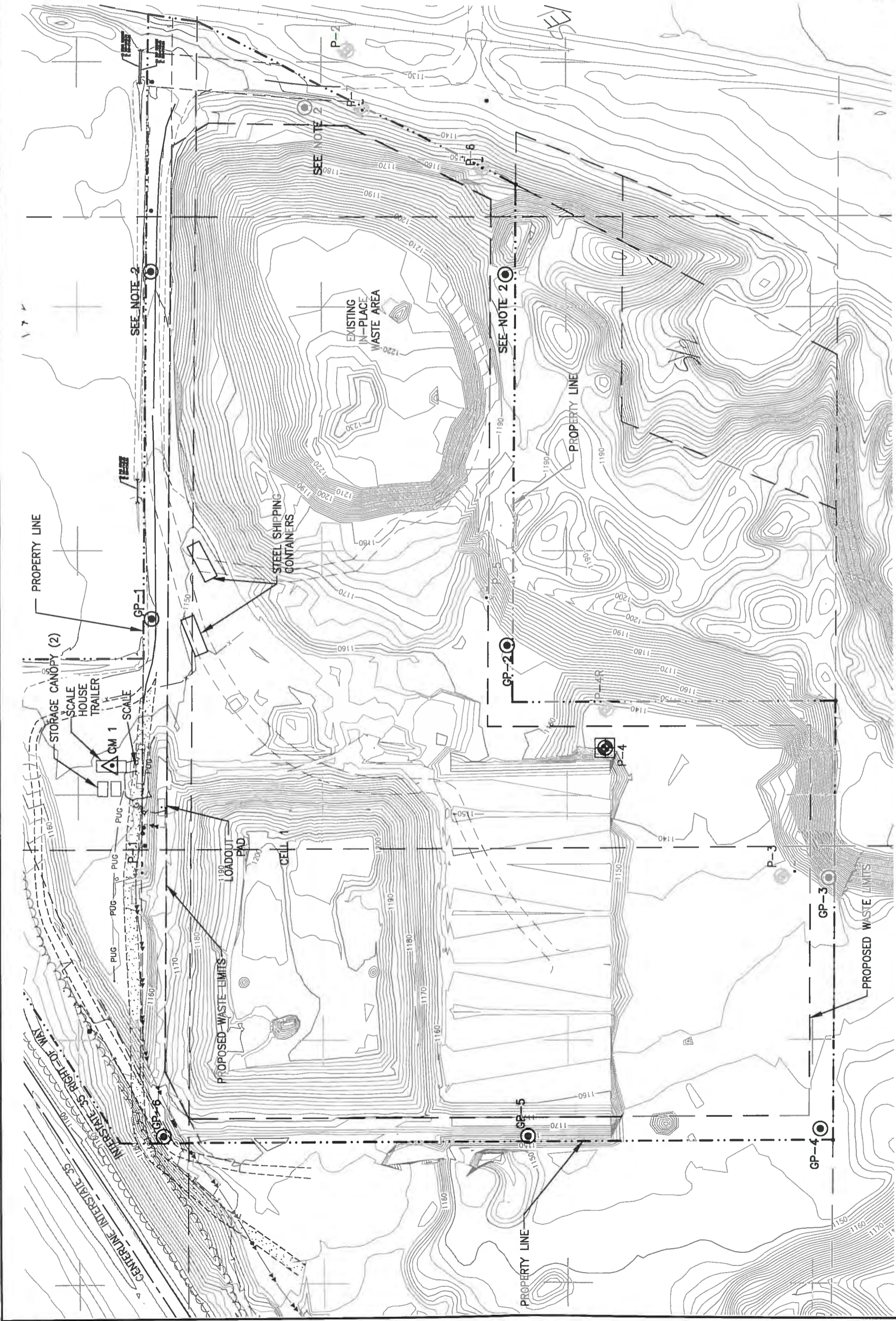
- 1 Aerial Site Location Map
- 2 Proposed Gas Monitoring Locations
- 3 Proposed Gas Monitoring Construction Details



OCT 2016  
Figure 1



SKB ENVIRONMENTAL CLOQUET LANDFILL  
Site Location Map



REV	DESCRIPTION	DWN	APP	REV DATE
A	ISSUED FOR AGENCY REVIEW	JMB	TJS	10/11/16

SEAL

SUB CONSULTANT

PRIME CONSULTANT

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 1800 PIONEER CREEK CENTER  
 MAPLE PLAIN, MN 55359  
 763-479-4200  
 763-479-4242

PROJECT TITLE  
**SKB ENVIRONMENTAL LANDFILL CLOSURE  
 GAS MANAGEMENT AND MONITORING PLAN**

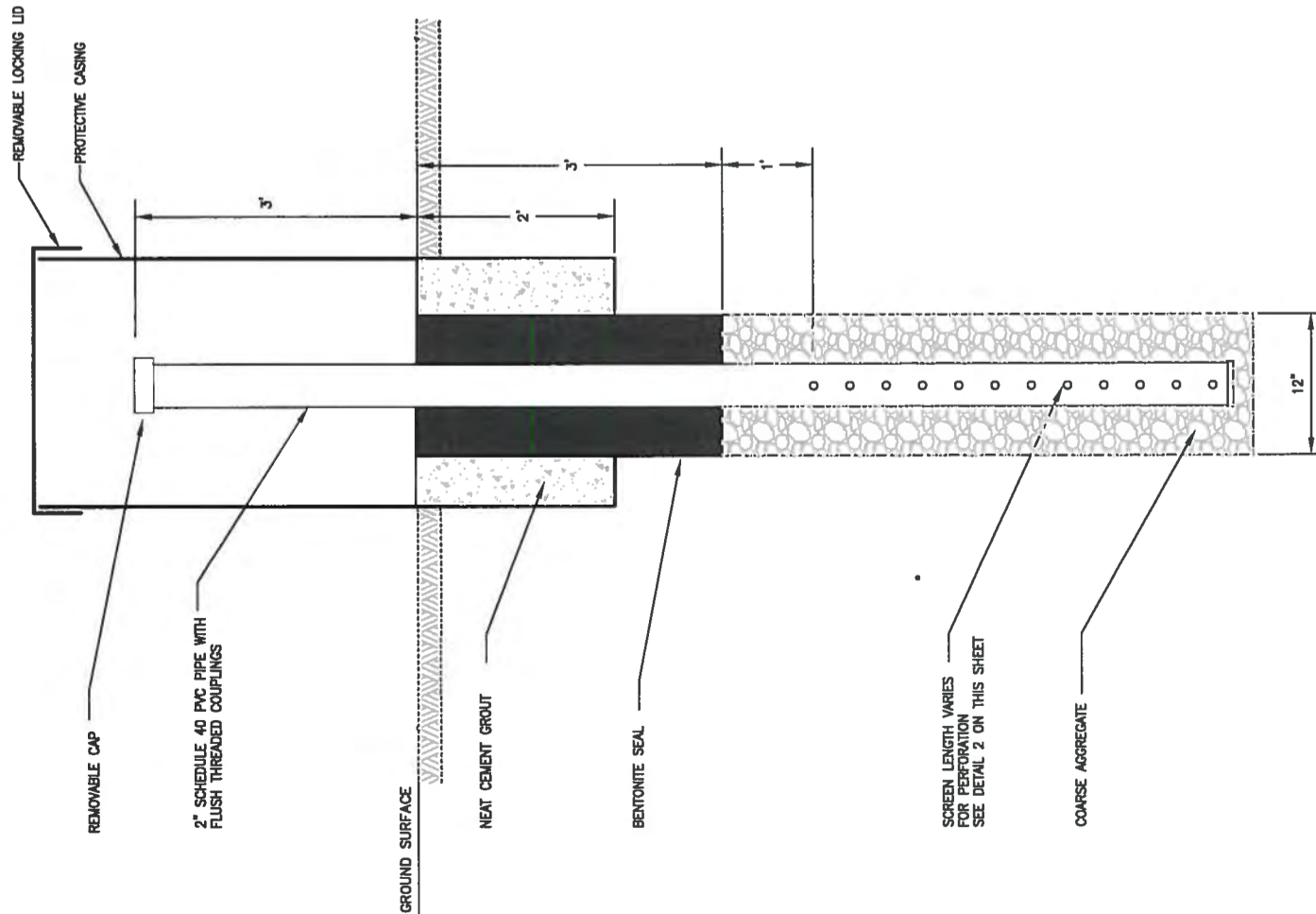
SKB ENVIRONMENTAL, INC.

SHEET TITLE  
**PROPOSED GAS MONITORING  
 LOCATIONS**

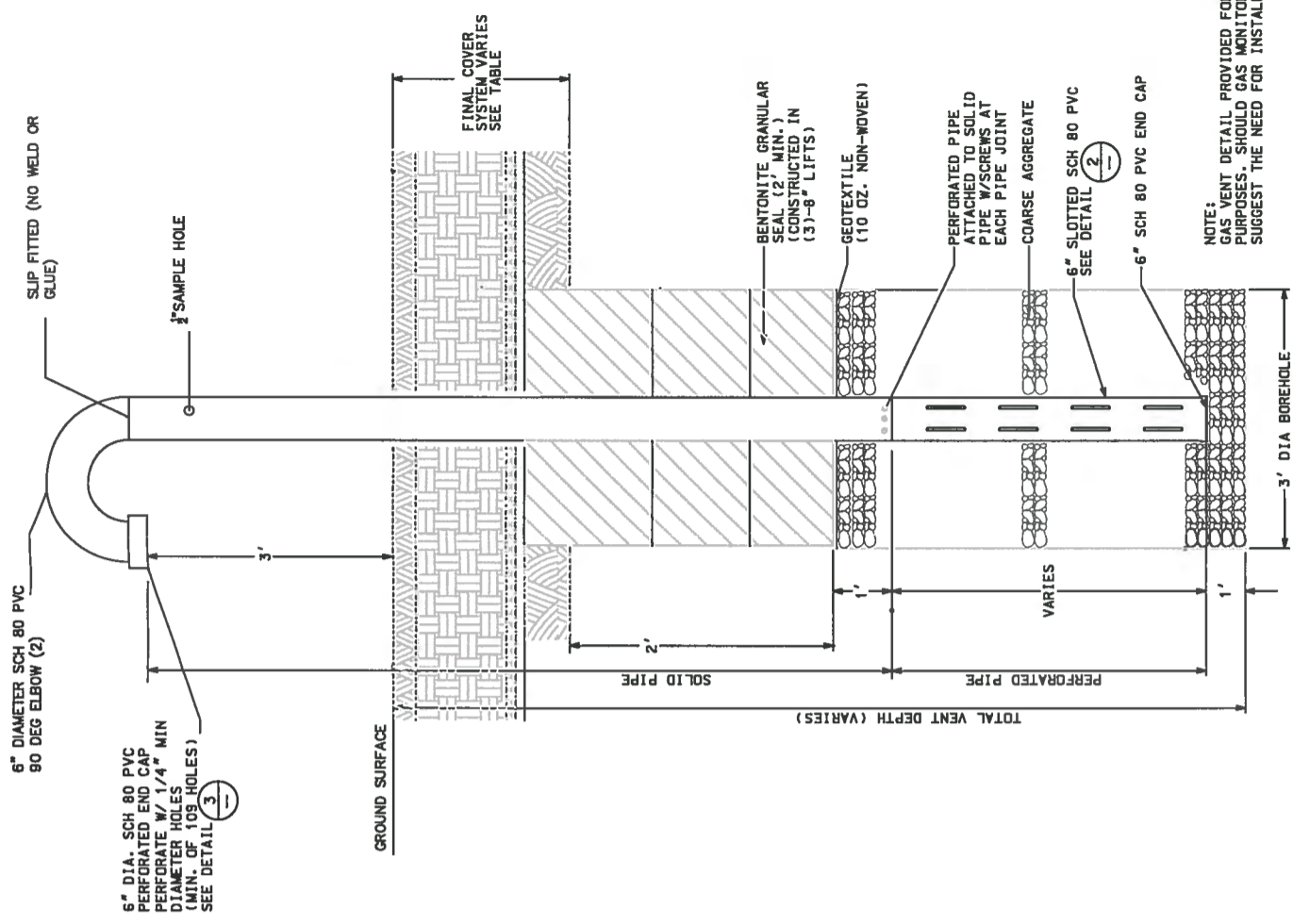
DWN BY: JMB SH  
 APP'D: TJS  
 DATE: OCTOBER AS SHOWN

PROJECT NO: 3053-0037  
 SHEET NO: **FIGURE 2**

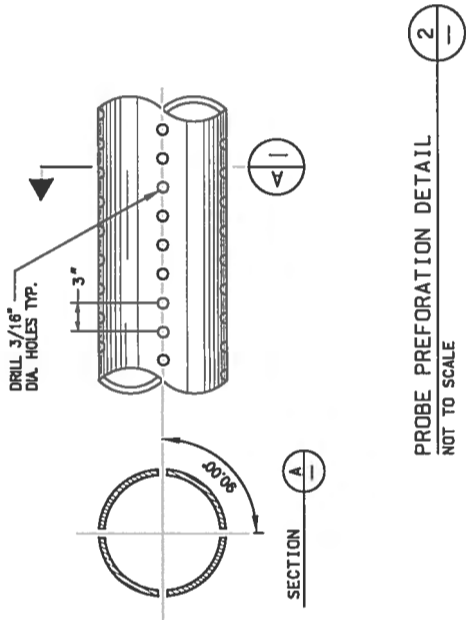




GAS PROBE DETAIL  
NOT TO SCALE



GAS VENT DETAIL  
NOT TO SCALE



PROBE PREFORATION DETAIL  
NOT TO SCALE

REV	ISSUED FOR AGENCY REVIEW	DWN	JVB	TJS	10/11/18	APP	REV DATE
A	ISSUED FOR AGENCY REVIEW	JVB	TJS	10/11/18	APP	REV DATE	

SEAL

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**WENCK ASSOCIATES**  
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MAPLE PLAIN, MN 55359 763-479-4242

PROJECT TITLE  
SKB ENVIRONMENTAL LANDFILL CLOUQUET  
GAS MANAGEMENT AND MONITORING PLAN

SKB ENVIRONMENTAL, INC.

SHEET TITLE  
GAS PROBE DETAILS

DWN BY	CHK'D	APP'D	DWG DATE	SCALE	AS SHOWN
JVB	SH	TJS	OCTOBER		
PROJECT NO.	3053-0037	SHEET NO.	FIGURE 3	RE	

## Appendix A

---

Gas Probe and Continuous Gas Monitor Log Sheets

SKB Environmental  
Cloquet Landfill Gas Probe Log

Monitor	Date	Methane	Carbon	Oxygen	Temp.	Static	Differential	Barometric	Notes
GP-1									
GP-2									
GP-3									
GP-4									
GP-5									
GP-6									

Continuous Monitor Methane Reading Log

Monitoring Point	Date	Meter Reading	Intitials	Comments
CM-1				
CM-1				
CM-1				
CM-1				
CM-1				
CM-1				
CM-1				
CM-1				
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CM-1				
CM-1				

\*CM-1 located in scalehouse trailer.



**CITY OF CLOQUET  
COUNTY OF CARLTON  
STATE OF MINNESOTA**

**RESOLUTION NO. 11-11**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
TO ALLOW FOR THE EXPANDED OPERATION OF AN EXISTING LANDFILL  
BY SHAMROCK ENVIRONMENTAL, LLC**

**WHEREAS**, An application has been submitted by Shamrock Environmental, LLC for a Conditional Use Permit, pursuant to 17.2.10 of the City Code, for expansion of the present 10-acre (approximate) demolition/industrial landfill operated by the Ulland Brothers, to a 59-acre footprint Industrial Landfill (42 acres of which would be landfill) located on the current Ulland Brothers Property west of Highway 45, which property is legally described on the attached Exhibit A; and

**WHEREAS**, There are presently two valid overlapping Conditional Use Permits for this site, a 1971 CUP (71-39) issued by the County which covers approximately 140 acres of land with no conditions attached, and a 1975 CUP (75-5) issued by the City of Cloquet which covers approximately 63 acres of land with no conditions attached, under which the existing landfill operates, and under which the existing landfill operation could be expanded (to the full extent of the property covered), without approval by the City and without conditions other than those imposed by the MPCA; and

**WHEREAS**, This Applicant requests expansion of the landfill to an additional 18 acres not covered in the existing permits, while giving up approximately 104 acres from the 1971 permit and while giving up approximately 22 acres from the 1975 permit, thereby limiting the total permitted area for this landfill to 59 acres (as stated above), to which all of the extensive conditions of this new Conditional Use Permit would now apply (by agreement of the Applicant); and

**WHEREAS**, A public informational hearing on the Application was held on August 4, 2010 and two landfill workshops were held by the Cloquet Planning Commission on July 27 and August 17, 2010; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and all neighbors within 350 feet were notified. A public hearing was held to consider the Application at the regular meeting of the Cloquet Planning Commission on September 14, 2010 at which time Zoning Case / Development Review No. 10-16 was heard and discussed. Approximately thirty members of the public attended the meeting and spoke during the public hearing; and

**WHEREAS**, On September 14, 2010 the Planning Commission recommended to the City Council by a 4-2 vote that the Conditional Use Permit be approved subject to conditions listed below; and

- That Shamrock Environmental, LLC Industrial Landfill comply with the attached "Draft Conditions" for operating an Industrial Landfill within the City limits of Cloquet.
- That Shamrock Environmental, LLC Industrial Landfill comply with the attached Litter, Dust, Noise, & Odor Management Plan.
- That Shamrock Environmental, LLC Industrial Landfill comply with the attached Fire Protection Plan.
- Minor modifications must be made by the applicant to the litter and odor plans before the City Council meeting and the applicant must clarify with R.W. Beck for more specifics on the proposed fire suppression (pump pressure).

**WHEREAS**, The Cloquet City Council met on September 21, 2010 to consider the Application and as part of that meeting took additional testimony from City Staff, the applicant and members of the public; and

**WHEREAS**, A motion to approve the Conditional Use Permit for the proposed landfill expansion failed on a 3-4 vote, with reasons being placed on the record at the time, resulting in the denial of the proposed Conditional Use Permit; and

**WHEREAS**, Minnesota Statute 15.99, Subdivision 2 (c) provides in-part, that:

...If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial... The written statement must be consistent with the reasons stated in the record at the time of the denial.

**WHEREAS**, The City Council identified a variety of evidence as presented and collected through the above processes which led to the denial of the Application, which reasons were set forth in Resolution No. 10-71 which was approved at the next City Council meeting on October 5, 2010; and

**WHEREAS**, A motion to reconsider the Conditional Use Permit (with additional conditions) for the proposed landfill was then made, which passed unanimously, and was subsequently scheduled by the Council to be heard on November 16, 2010, however, on November 11, 2010 a complete citizens petition for an EAW was received by the EQB and forwarded to the MPCA for review (an incomplete petition had been submitted on November 1, 2010), halting all other governmental actions on this permit until a determination could be made by the MPCA regarding the need for an EAW; and

**WHEREAS**, The MPCA adopted Findings of Fact denying the request for an EAW on December 21, 2010 starting a new 60 day time period in which the CUP must be acted on (or it will be automatically approved), and at the same time re-issued the state permit (SW-399) for expansion of this landfill, and

**WHEREAS**, On that same evening (December 21, 2010) at a meeting of the City Council, a motion to approve the Conditional Use Permit for the proposed landfill expansion again failed on a 3-4 vote, however, the City Council did not place any reasons on the record for denial at that time, and also did not take action on a separate resolution to deny such application; and

**WHEREAS**, Because the Conditional Use Permit was not denied at the December 21, 2010 Council meeting, but only failed to be approved, the Council was still required to act within 60 days there from or the permit would be automatically approved pursuant to Minnesota Statute 15.99, and

**WHEREAS**, the City met again on February 15, 2011 to consider the application and as part of that meeting once again took additional testimony from city staff, the city attorney, the applicant, and members of the public.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, that the Conditional Use Permit attached hereto and titled "*Final Conditional Use Permit (CUP) for the Shamrock Environmental, LLC Industrial Waste Landfill (Landfill) City of Cloquet (City), Minnesota*" to operate a landfill is approved subject to the following conditions:

1. The approval of the Industrial Landfill Permit by the Minnesota Pollution Control Agency (MPCA).
2. The applicant enters into a Host Fee Agreement with the City under the terms and conditions identified in such agreement and as amended by the City Attorney.
3. The applicant obtain and provide a copy of an access easement/permit from the Minnesota Department of Transportation (MnDOT) for access into the property from Highway 45 or provide other proof that the applicant has, as a matter of law, the right to use the MnDOT right-of-way access out to Highway 45.

**BE IT FURTHER RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, adopts the following findings of fact for approval of the Final Conditional Use Permit:

1. The proposed use meets Conditional Use Permit Approval Criteria (1), because it is consistent with the Comprehensive Plan. The goals and objectives of the Comprehensive Plan for this zoning district include converting it from a Heavy Industry district to Commercial / Industrial Reserve, following completion of the gravel mining operation which has been ongoing for more than 30 years and is projected to continue for an additional 30 years or more. The City Council believes that the Comprehensive Plan does allow for a landfill to act as the center piece around which future development in this district would then take place, as demonstrated in the Boonestroo report provided by the Applicant. The proposed landfill could therefore be integrated successfully into the City's future land use plan identified within the Comprehensive Plan. Integral then to the success of this vision will be the involvement of Shamrock Environmental, LLC in participating in the End Use Planning for this area along with current gravel operators identifying successful reclamation plans for mined areas. As part of furthering the vision identified in the Comprehensive Plan for transportation connectivity between 14<sup>th</sup> Street and Highway 45, the applicant is proposing to provide the City with a 66' potential frontage road easement along the north side of the Industrial Landfill to provide better access to the Fond du Lac Tribal and Community College and Antus Addition, and which will also provide access for expanded future commercial / industrial development of this area.

2. The proposed use meets Conditional Use Permit Approval Criteria (2), because it is compatible with existing development within 300 feet and within 500 feet on the same street. Existing neighboring uses within 500 feet include a large industrial woodlot and surrounding gravel mining operations, all which are compatible with the present landfill and Applicant's proposed expansion of that use. The City Council further believes that a future change in use of adjoining property to the west, from Heavy Industry to Highway / Commercial / Residential mix, as according to the Comprehensive Plan, does not create any incompatibility because the adjoining property to the west is not conducive to residential development within 500 feet of the proposed expanded use, being in the bottom of a mined out gravel mining pit, which future use shown is appropriate as a buffer zone for the Hilltop neighborhood, and which would more appropriately be developed as Highway / Commercial property or possibly be rezoned to Commercial / Industrial Reserve, as is indicated for the rest of the former gravel mining operation. The City Council further believes that there is no conflict with City Zoning Ordinance, Section 17.6.15, Subd. 4(D), which provides that "dumping" may only be authorized as a conditional use within a Heavy Industry District "if it is located at least four hundred (400) feet from any Residence District," because there is no residence district within 400 feet of the proposed landfill at the present time, and that specific provision does not allow for future use considerations.
3. The proposed use meets Conditional Use Permit Approval Criteria (3), because it will provide the following important services to the community: local disposal option with reduced transportation costs to City businesses; recycling services for construction and demolition debris which are not currently offered in City; recycling services for other items such as appliances, tires, wood, concrete, metal, and cardboard. The City Council believes that it would be beneficial to have the landfill in the proposed location given the zoning, easy freeway access, surrounding industrial uses, and the presence of the existing landfill, which does not provide any services to the public at present under the prior issued permits.
4. The proposed use meets Conditional Use Permit Approval Criteria (4), because it adequately protects the uses in the surrounding and nearby neighborhoods. The immediate surrounding neighborhood is comprised of other heavy industrial uses taking place on more than 200 acres in this Heavy Industry district. More than a quarter mile distant from the nearest edge of the proposed expanded landfill is the nearby residential hilltop neighborhood, which includes approximately 260 homes, two apartment buildings containing 60 units, and a Community College, of which the homes all rely on groundwater wells for their water supply, including their drinking water. The proposed expansion will include a state of the art liner system and leachate control cell design, which does not require separate onsite leachate storage capability, which has received full approval and permitting from the MPCA. The City Council therefore believes that the proposed design and location will not have a detrimental impact on the groundwater in the future. The City Council further relies on a groundwater report from Barr Engineering (Barr Engineering Report, 2010) that there is no nexus between the groundwater supply or directional groundwater flow for the Antus Addition and the proposed Landfill location. Additionally, the MPCA conducted a Public Informational Meeting on October 21, 2010 at which time their staff provided testimony, including the project hydrologist, that this project would protect the groundwater even in light of its proximity to the groundwater table. The



applicant provided a white paper on landfill liners to the City, and MPCA staff testified that landfill liners ensure protection, especially given that the applicant will conduct electrical leak location testing once the liner is installed. R. W. Beck, the City's landfill consultant, highlights that liners are effective when used in conjunction with a successful leachate management strategy. The proposal from the applicant uses trucking of leachate as opposed to building on-site storage or connection to the sanitary line on Highway 45. On October 28th, the MPCA met with R. W. Beck staff and decided to add a requirement into the state application that an auto-call system be installed to notify operators when leachate levels exceed 5' (4' is designed storage) in the sump area and they added permit requirement to investigate other options if leachate exceedance occur often. On December 21, the MPCA determined that an EAW would not be required, after review of the Citizens Petition requesting an EAW and after review of all environmental concerns stated therein. The Council therefore believes that there do not appear to be any remaining unaddressed environmental concerns based upon the review and approval by the MPCA, and that the surrounding neighborhoods are therefore adequately protected from such harms.


5. The proposed use meets Conditional Use Permit Approval Criteria (5), because it is in conformance with all other requirements of the Zoning Ordinance. The Applicant has agreed to all reasonable conditions which have been made a part of the Conditional Use Permit, which are concessions made in response to all reasonable objections that have been raised under the requirements of the Zoning Ordinance. The City Council therefore believes that there do not appear to be any unaddressed nuisance or other concerns based upon the conditions agreed to by the Applicant as part of the permit application, and no objection can therefore be made to this Criteria.
6. The proposed use meets Conditional Use Permit Approval Criteria (6), because all other factors pertinent to the proposed use, site conditions, or surrounding area considerations have been reviewed and have been adequately addressed or responded to during this process, including:
  - The reduced hours of operations, added as a new concession, and the other terms of the Final Conditional Use Permit, provide for adequate neighborhood protections and for reasonable peace, comfort and welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site including the areas within 300 feet of the proposed use and within 500 feet along the same street, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
  - National and local property valuation information was examined, including a report from Ramsland & Vigen, which demonstrate there is no adverse relationship between residential proximity to a landfill, and therefore there should be no adverse devaluation of property in the Antus Addition and therefore this project is aligned with the general welfare of the public.
  - The applicant has offered the community a financial guarantee beyond the mandatory environmental fund, in the form of a negotiated host fee which will provide a minimum security fund to the City of \$1.2 million dollars, to

provide environmental insurance for the City in the case of a liner failure where neighboring wells become contaminated or unusable, and Applicant is unable to cover the costs of remediation.


- The applicant has applied to convert an unlined Class III Demolition Landfill into an Industrial Landfill. As such, the landfill can accept pulp and paper sludge (e.g., SRFI waste), from local and regional industries as a form of alternative daily cover (ADC). Evidence was presented that pulp and paper sludge degradation may generate landfill gas that contains both methane and hydrogen sulfide. Under certain conditions, methane can contribute to a landfill fire; landfill gas emissions that contain hydrogen sulfide can result in odor impacts to adjacent properties. As a result of these concerns brought forward by the City and City residents, the applicant has agreed to limit their intake of such waste, held to no more than 20% of overall receipts, and to conduct quarterly landfill gas monitoring for methane and hydrogen sulfide in leachate collection cleanouts. Pulp and paper waste sludge will only be thin spread and will not be disposed in bulk deposits. These requirements have been added to the MPCA permit language. In addition, the Final Conditional Use Permit includes an odor mitigation plan that addresses controls and responses to prevent or responds to potential odors that may impact adjacent properties.
  - The proposed use will generate additional Truck traffic on the access road. However truck volumes are not expected to be greater than volumes seen on that access road in the past. The trail crossing is only a short distance down the access road from Highway 45, followed shortly thereafter by a railroad crossing, so that trucks coming from either direction will not have the distance to accelerate to a high rate of speed, and will be moving slowly as they pass the trail crossing. The trail crossing is marked and has stop signs for trail traffic at the access road. The City Council therefore believes that the new paved public bicycle and hiking trail which crosses that access road will still be safe for use, so long as users (and especially families with young children) who make use of the trail, exercise caution at the trail intersection with the access road.
7. The City Council further believes that the Applicant's Conditional Use Permit will allow the City to ensure that the existing landfill is not operated and expanded unconditionally, to the extent of the prior permits, because this Applicant's permit will supersede the prior permits (by agreement of the Applicant), and will run with the land and be binding on any future owners of the landfill as well. Because there are presently two valid overlapping Conditional Use Permits for this site, covering up to approximately 145 acres of land with no conditions attached, to which the existing landfill operation could be expanded without approval by the City and without conditions of operation other than those imposed by the MPCA, and because this Application requests expansion of the landfill to an additional 18 acres not covered in the existing permits, while giving up approximately 104 acres (overlapping) from the prior permits, for a total permitted area limited to 59 acres, and because the extensive conditions of the new Conditional Use Permit will apply to the entire 59 acre landfill by agreement of the Applicant, the City Council therefore believes that the

Applicant's Conditional Use Permit will allow the City to make sure that updated technology, safeguards and adequate operating conditions are put in place to address the operation and expansion of this existing landfill and to ameliorate safety and environmental concerns that have not been addressed by the prior owner.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET  
THIS 15<sup>th</sup> DAY OF FEBRUARY, 2011.**

  
\_\_\_\_\_  
Bruce Ahlgren, Mayor

ATTEST:

  
\_\_\_\_\_  
Brian Fritsinger, City Administrator

# Technical Memo



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**To:** Geoff Strack, PE  
Waste Connections

**From:** Tom Shustarich, PE, Wenck Associates, Inc.

**Date:** December 22, 2016 (Revised)

**Subject:** Response to Comments Re: October 2016 SKB Environmental Cloquet Landfill Gas Management and Monitoring Plan

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The following are responses to Burns & McDonnell's comments regarding the review of the October 2016 SKB Environmental Cloquet Landfill Gas Management and Monitoring Plan, MPCA Permit #SW-395 prepared by Wenck. Burns & McDonnell's comments are provided in italics and are followed by Wenck's response.

1. ***Section 2.2:** The detail for the vertical gas vent provided on Figure 3 does not align with Section 2.2 of the report regarding the extension of vertical piping above the surface of the landfill. The perforated end cap (for the gas vent detail provided on Figure 3) should be a minimum of 4-feet above the ground to prevent snow from blocking the vent.*

**Response: Noted; the detail has been modified to correlate with the recommendations above. A revised Figure 3 is attached.**

2. ***Section 3.0:** Details regarding monitoring of the leachate sump riser pipes and cleanouts need to be added to the plan and comply with Section 3.3.2 of the SW-399 Minnesota Pollution Control Agency (MPCA) permit. Recommend increasing the frequency of sampling of the leachate sump riser pipes and cleanouts to monthly in order to align with gas probe sampling. Add these monitoring locations to the monitoring log provided in Appendix A.*

**Response: SKB Cloquet is proposing to monitor the leachate sump riser on a monthly basis in order to align with the gas probe sampling. This monitoring location has been added to the monitoring logs in Appendix A and is attached.**

3. ***Section 3.3:** The Plan should also address the monitoring of hydrogen sulfide (required in Section 3.3.2 of the SW-399 MPCA Permit) on a monthly basis at the time of methane sampling. Add hydrogen sulfide to the mentoring log in Appendix A.*

**Response: Hydrogen sulfide will be added to the monitoring parameters and will be added to the monitoring log. Attached is a revised Appendix A.**

4. ***Section 3.3.1:** Please provide a detailed list of on-site structures that will receive monthly monitoring. Add these structures to the monitoring log provided in*

*Appendix A.*

**Response:** There is only one on-site structure as noted in the monitoring log; the scale house trailer. The scale house trailer will have a continuous monitor. If additional permanent structures are added to the facility, they will be added to the monitoring log. It is important to note that monthly readings using a hand held meter will be obtained from the two quonset hut type structures on-site. Please refer to the revised and attached Figure 2 for location as well as Appendix A for log sheets.

5. **Section 3.3.1:** Please provide the proposed location for the continuous gas monitor located at the scale house trailer.

**Response:** The continuous gas monitor will be located in the southern portion of the office trailer. This area is used as the scale house.

6. **Section 3.4:** Details should be provided in the Plan to address odor control if odors are detected at the facility as outlined in the February 2011 Conditional Use Permit (CUP).

**Response:** Please refer to the attached Odor Control Contingency Flow Chart for details addressing odor control.

7. **Section 3.4:** A short term contingency action plan needs to be provided if exceedances are detected within buildings (i.e., ventilating affected structures, daily monitoring if not a continuously monitored structure, etc.) and gas probes (i.e., increase frequency of monitoring to daily for two weeks to confirm exceedances of methane, weekly monitoring until alternative system implemented). In addition, a plan for addressing gas exceedances should be developed in a timelier manner than 180 days. Gas exceedances need to be addressed expediently since they could lead to explosive conditions.

**Response:** Noted and agreed. SKB Cloquet has attached a Contingency Flow Chart addressing the action plan for gas buildup inside enclosed structures or gas probe exceedances of 25% LEL, respectively.

8. **Section 3.6:** Exceedances should be reported to the MPCA Duty Officer and the City within 24 hours of detection.

**Response:** Exceedances will be reported to the MPCA permit engineer for the site, and the City of Cloquet will also be notified.

9. **Table 1:** A note should be added that actual depth of probe shall be determined during probe installation in accordance with Minn. R. 7035.2815, Subpart 11.C.

**Response:** Noted.

10. **Table 1:** The minimum stick up length provided in Table 1 does not match the detail for the gas probes on Figure 3.

**Response: With the removable locking lid as shown on the probe detail on Figure 3 the minimum stickup will be met.**

11. **Figure 2:** *Per Minn. R. 7035.2815, Subpart 11.B, "gas monitoring probes must be placed between the disposal site and on-site structures or property lines". An additional gas monitoring probe (or relocation of GP-1) should be placed between the existing waste mass and the scale house trailer.*

**Response: GP-1 will be relocated approximately 300 feet west as shown on revised Figure 2.**

12. **Figure 3, Detail 1:** *Recommend adding requirements for the coarse aggregate size to ensure that the aggregate is larger than the perforations of the gas probe screen.*

**Response: The aggregate size will be included on the construction specifications at the time of installation but will be a minimum of ½ inch in diameter. See attached Figure 3.**

13. **Figure 3, Detail 1:** *The minimum stick up length provided in Table 1 does not match the detail for the gas probes on Figure 3 (mentioned above).*

**Response: See response for Comment 10.**

14. **Figure 3, Detail 3:** *The detail for the vertical gas vent provided on Figure 3 does not align with Section 2.2 of the report regarding the extension of vertical piping above the surface of the landfill (mentioned above).*

**Response: The gas vent detail will be modified to reflect a minimum of 4 feet above the landfill surface.**

15. **Appendix A, Gas Probe Log:** *Modify gas probe log to include hydrogen sulfide monitoring, leachate sump riser pipes and cleanouts monitoring, and on-site structure locations without continuous monitoring (mentioned above).*

**Response: SKB Cloquet is proposing to monitor the leachate sump riser on a monthly basis in order to align with the gas probe sampling. This monitoring location has been added to the monitoring logs in Appendix A and is attached.**

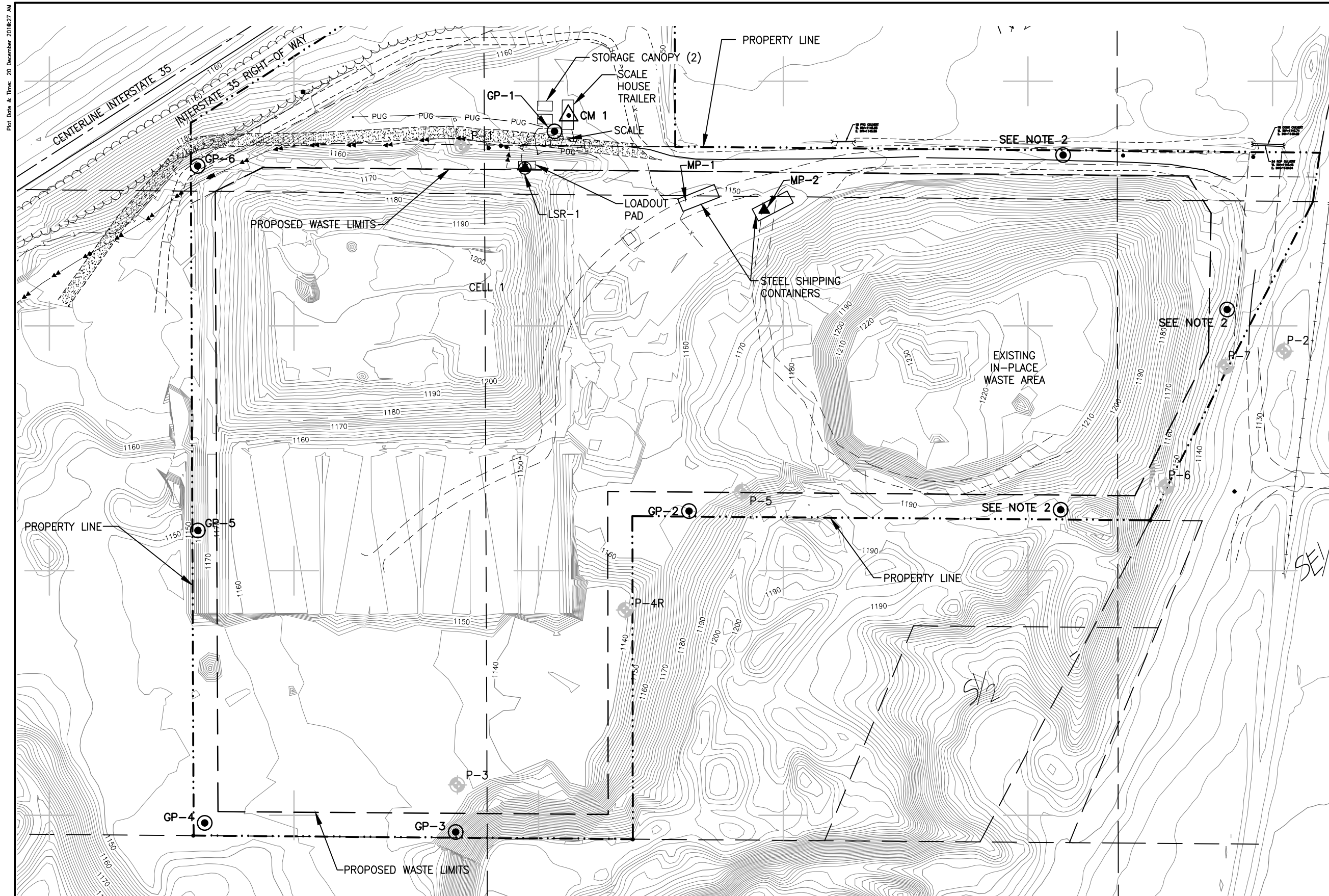
It is important to note that a revised Gas Management Plan incorporating the responses within this memo will be submitted by SKB Cloquet once the responses are agreed upon by SKB and the City of Cloquet.

## Attachments

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- 2 Proposed Gas Monitoring Locations
- 3 Proposed Gas Monitoring Construction Details





N

0 150 300  
GRAPHIC SCALE IN FEET

**LEGEND**

- EXISTING CONTOURS
- EXISTING ROAD
- EXISTING MONITORING WELL
- PROPOSED GAS MONITORING PROBE LOCATION
- PROPOSED CONTINUOUS MONITORING LOCATION
- PROPOSED MONTHLY MONITORING POINTS
- LEACHATE SUMP RISER
- PROPERTY LINE/ COMPLIANCE BOUNDARY
- PROPOSED WASTE LIMITS

NOTE:  
 1. TOPOGRAPHY UPDATED APRIL 2015.  
 2. PROPOSED LOCATION OF FUTURE GAS PROBES AS CELL DEVELOPMENT EXPANDS TO THE EAST.

A	ISSUED FOR AGENCY REVIEW	JVB	TJS	10/11/16	
REV	REVISION DESCRIPTION	DWN	APP	REV DATE	

SEAL

SUB CONSULTANT

PRIME CONSULTANT

**WENCK**  
ASSOCIATES

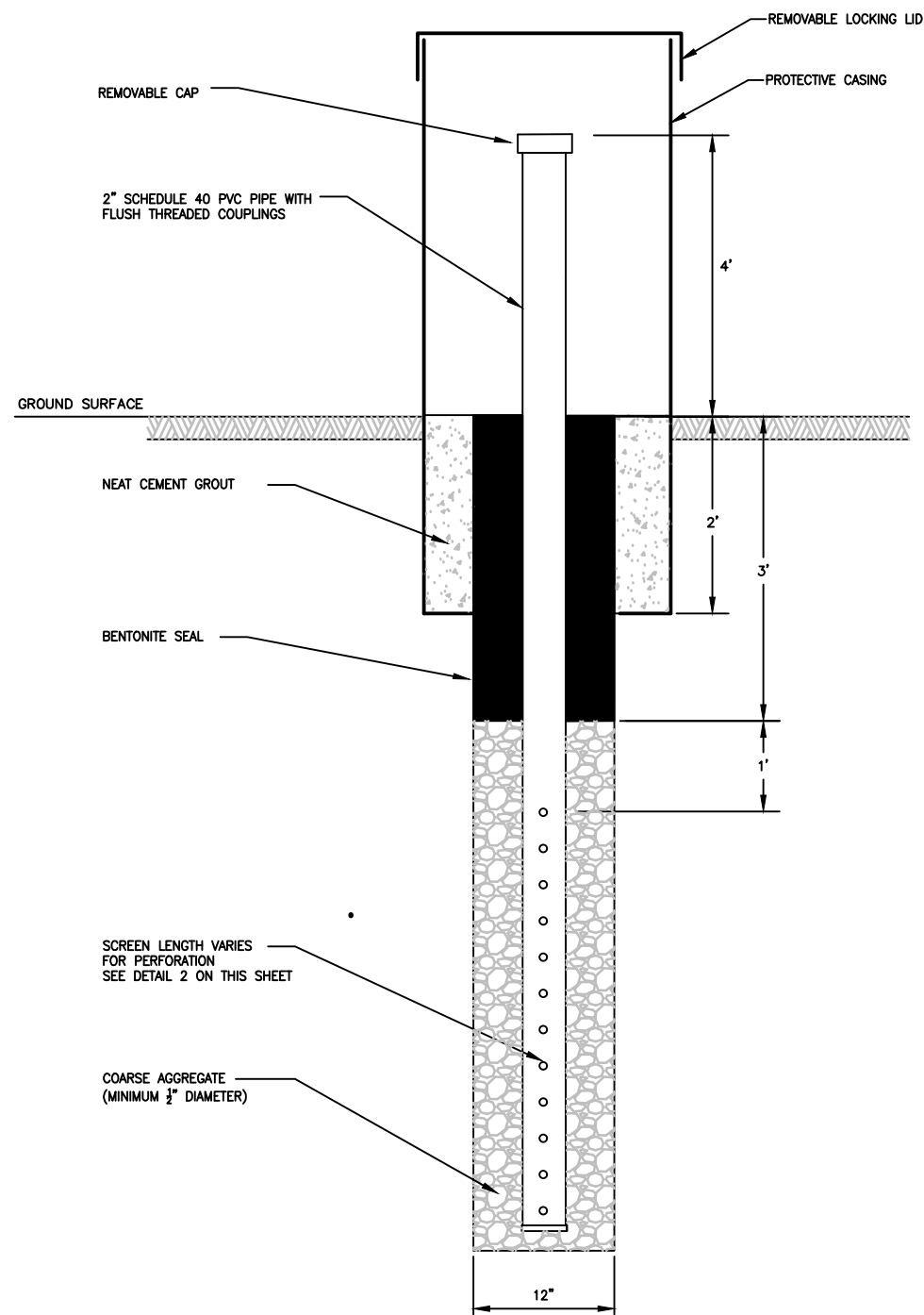
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 MAPLE PLAIN, MN 55359 763-479-4242

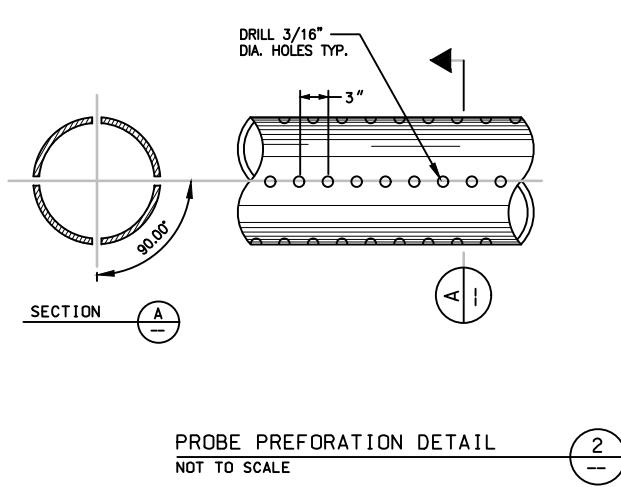
PROJECT TITLE  
**SKB ENVIRONMENTAL LANDFILL CLOQUET  
 GAS MANAGEMENT AND MONITORING PLAN**

SKB ENVIRONMENTAL, INC.

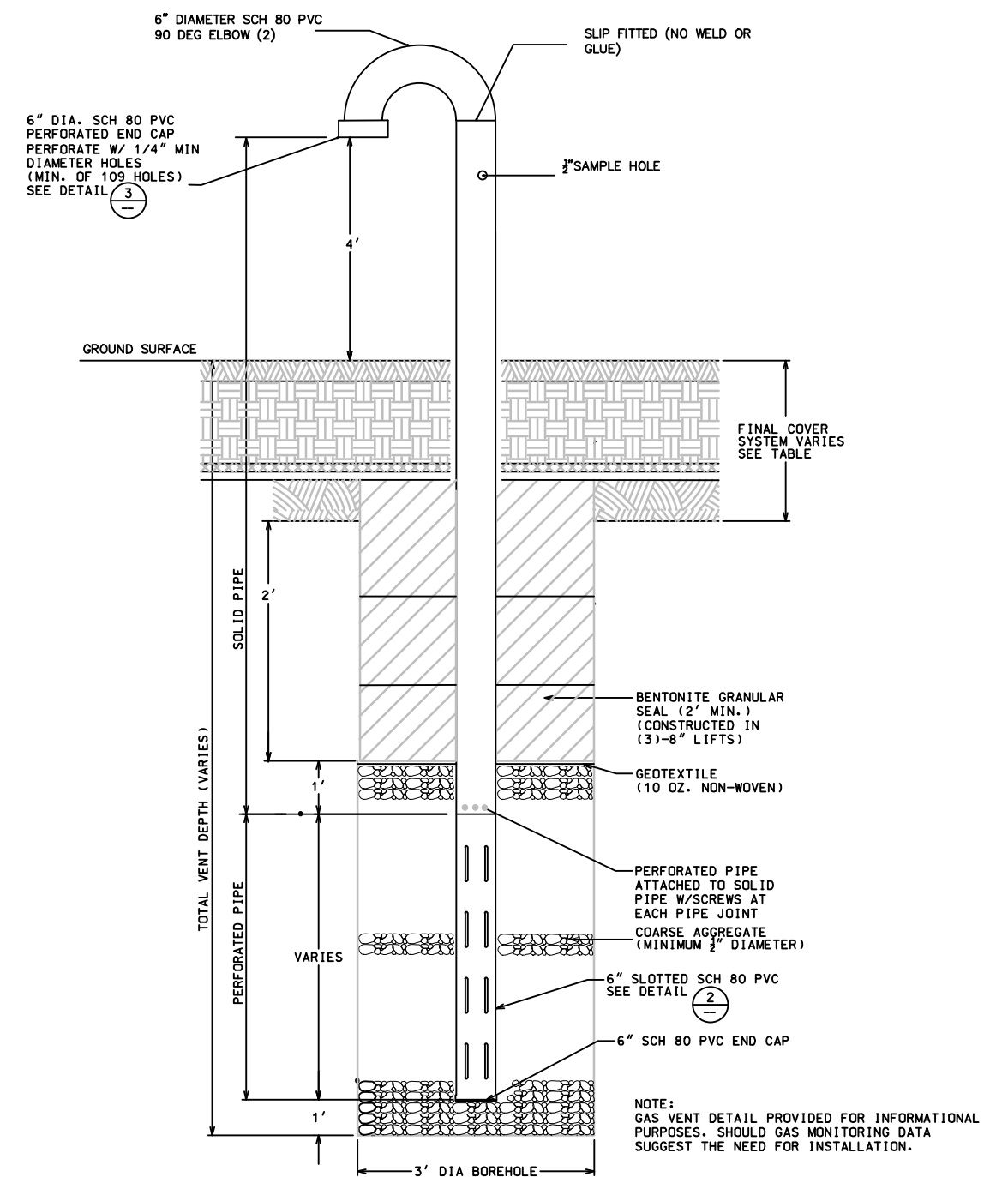
SHEET TITLE <b>PROPOSED GAS MONITORING LOCATIONS</b>			
DWN BY JVB	CHK'D SH	APP'D TJS	DWG DATE OCTOBER 2016
PROJECT NO. 3053-0060	SHEET NO. FIGURE 2	SCALE AS SHOWN	REV NO. A



GAS PROBE DETAIL  
NOT TO SCALE



PROBE PREFORATION DETAIL  
NOT TO SCALE



GAS VENT DETAIL  
NOT TO SCALE

A	ISSUED FOR AGENCY REVIEW	JVB	TJS	10/11/16
REV	REVISION DESCRIPTION	DWN	APP	REV DATE

SEAL

SUB CONSULTANT

PRIME CONSULTANT

**WENCK ASSOCIATES**

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763-479-4242

PROJECT TITLE  
**SKB ENVIRONMENTAL LANDFILL CLOQUET  
GAS MANAGEMENT AND MONITORING PLAN**

SKB ENVIRONMENTAL, INC.

SHEET TITLE <b>GAS PROBE DETAILS</b>			
DWN BY JVB	CHK'D SH	APP'D TJS	DWG DATE OCTOBER 2016
PROJECT NO. <b>3053-0037</b>		SHEET NO. <b>FIGURE 3</b>	REV NO. <b>A</b>

Gas Probe, Continuous Gas Monitor, and Monthly Monitoring Point  
Log Sheets

SKB Environmental  
Cloquet Landfill Gas Probe Log

Monitor	Date	Hydrogen Sulfide	Methane	Carbon Dioxide	Oxygen	Temp.	Static	Differential	Barometric	Notes
GP-1										
GP-2										
GP-3										
GP-4										
GP-5										
GP-6										



Monthly Monitoring Point Reading Log

Monitoring Point	Date	Hydrogen Sulfide	Methane	Carbon Dioxide	Oxygen	Temp.	Static	Differential	Barometric	Initials	Comments
MP-1	January										
MP-2											
LSR-1											
MP-1	February										
MP-2											
LSR-1											
MP-1	March										
MP-2											
LSR-1											
MP-1	April										
MP-2											
LSR-1											
MP-1	May										
MP-2											
LSR-1											
MP-1	June										
MP-2											
LSR-1											
MP-1	July										
MP-2											
MP-1	August										
MP-2											
LSR-1											
MP-1	September										
MP-2											
LSR-1											
MP-1	October										
MP-2											
LSR-1											
MP-1	November										
MP-2											
LSR-1											
MP-1	December										
MP-2											
LSR-1											

\*Leachate Sump Riser (LSR\_1), MP-1 and MP-2 located on-site as shown in Figure 2.

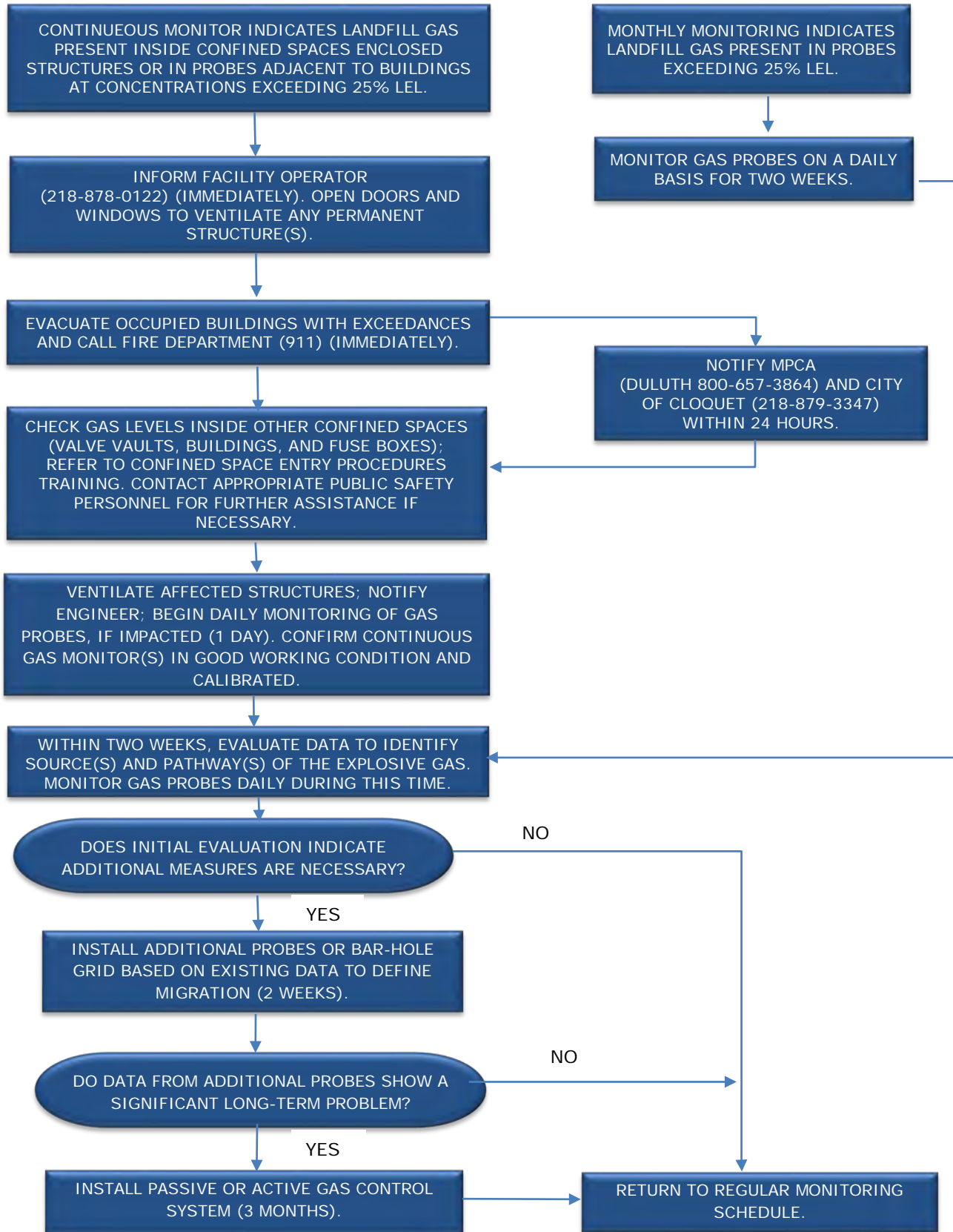
# Contingency Action Flow Charts

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Landfill Gas Buildup Inside Confined Spaces or Gas Monitoring  
Probe Exceedances of LEL

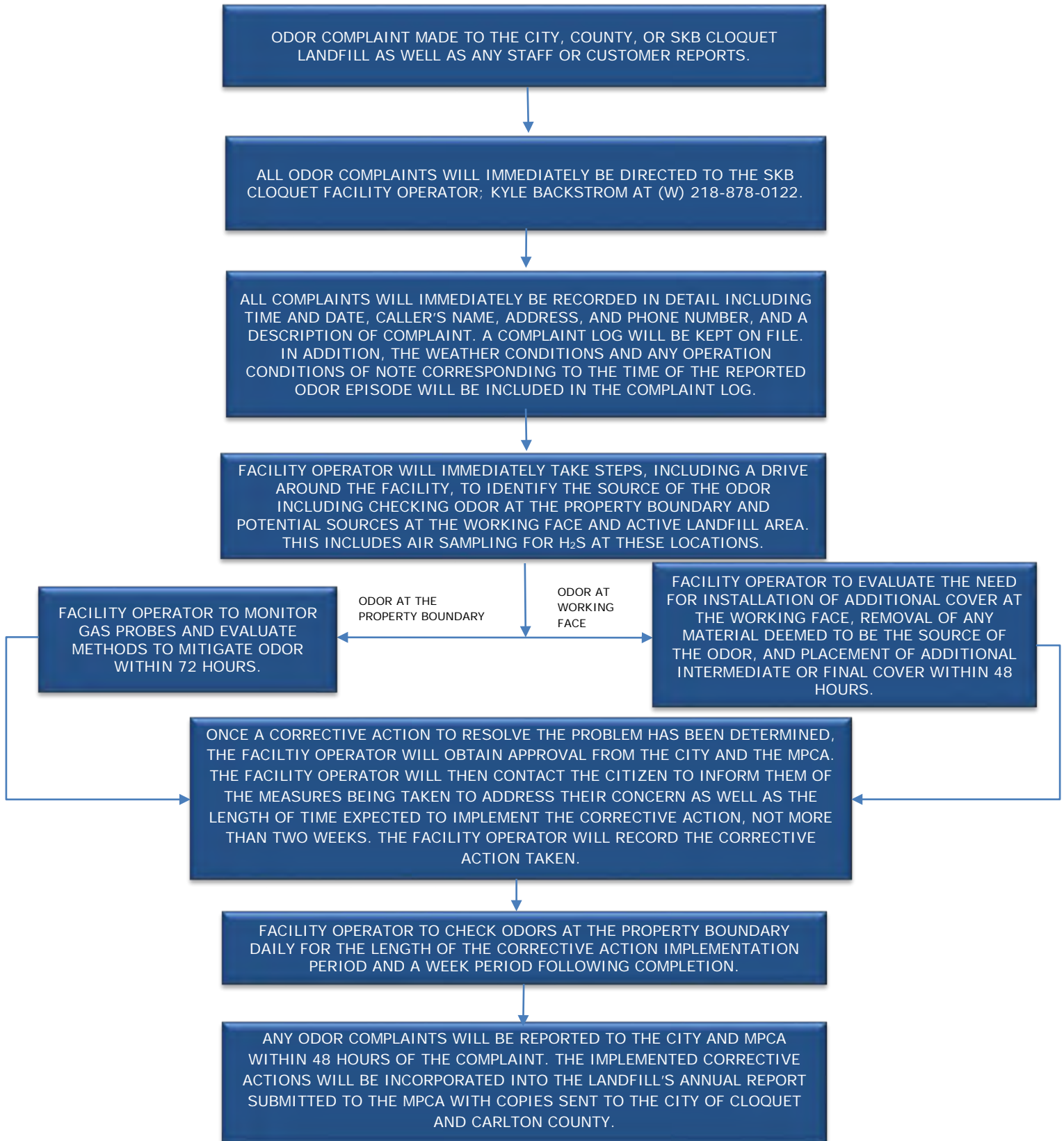
Odor Control

# CONTINGENCY FLOW CHART FOR LANDFILL GAS BUILD UP INSIDE CONFINED SPACES OR GAS MONITORING PROBE EXCEEDANCES OF LEL SKB CLOQUET INDUSTRIAL LANDFILL





# ODOR CONTROL CONTINGENCY FLOW CHART SKB CLOQUET INDUSTRIAL LANDFILL





**Community Development Department**

1307 Cloquet Avenue • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: January 4, 2017

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**ITEM DESCRIPTION: Property Owner Notification Distance**

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City Councilmember Rock has inquired as to the property owner notification distance that was a topic of conversation during the hearing of SKB Environmental Cloquet Landfill. Staff had notified property owners within 1,320 feet for hearings pertaining to that development. The concerns raised by some property owners was that that distance of 1,320 feet really did not reach any property owner that were concerned with the project.

Staff is not looking for any action at this time but just wanted to have some general discussions on this topic. For your information the Ordinance specifically requires a notification distance for Sand and Gravel Operations to be 1,320 feet.