



Regular Meeting of the Planning Commission

Tuesday, December 13, 2016

7 pm Regular Meeting

1307 Cloquet Ave, Cloquet, MN 55720

AGENDA

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the November 9, 2016 Planning Commission meeting
5. Zoning Case 16-21: ISD #94, Easement Vacation
6. Zoning Case 16-20: SKB Environmental Cloquet Landfill, Inc., Conditional Use Permit Amendment
7. Commissioner's Questions/Comments
8. Adjourn

NEXT MEETING:
January 10th @ 7 pm



Regular Meeting of the Planning Commission

Wednesday November 9, 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, Kelly Johnson and Uriah Wilkinson; City: Al Cottingham and Holly Butcher.

Absent: Commission members: Jesse Berglund, Bryan Bosto, John Sanders.

Others Present: None.

ADDITIONS/CHANGES TO THE AGENDA

None.

AGENDA ITEMS

October 11, 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 October 11, 2016, Commissioner Haubner seconded. (Motion was approved 4-0).

Downtown Cloquet: Challenges and Opportunities along Clouquet Avenue & the Historic West End

Community Development Director Butcher stated that she was looking for the Planning Commissions input on challenges and opportunities for the Historic West End and the Cloquet Avenue Downtown corridor. She explained the process that she had done with the building and business owners in these areas earlier this year and with the EDA last month. She reviewed the key findings of the property/business owners input for each district during the spring of 2016 which were:

HISTORIC WEST END BUSINESS DISTRICT

ASSETS:

- Historic buildings, strong residential population above storefronts, evolving destination district, proximity to the riverfront.



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CONCERN:

- **Lacking Visibility of the business district from Highway 33. High number of storefront vacancies and building conversions into blighted uses. Not an economically vibrant district.**

OPPORTUNITY:

- Open up the visibility of this district so that it is a destination district.

CLOQUET AVENUE BUSINESS DISTRICT

ASSETS:

- Good location, easy to find, good parking.

CONCERN:

- **Good location, easy parking but Cloquet Avenue is wide and traffic travels fast therefore it is difficult for pedestrians to cross.**

OPPORTUNITY:

- To discuss design concepts to streetscape and improve the pedestrian climate cross-ability of Cloquet Avenue to connect neighbors and businesses on the south to Cloquet’s businesses, parks and riverfront areas on the north side of the road.

PC INPUT:

After generating the below list of assets and challenges in these Districts, the PC concluded:

HISTORIC WEST END BUSINESS DISTRICT	
ASSETS	ISSUE
+	Historic, Cultural Heritage of the buildings and design of the district—this includes and extends beyond the commercial district into the homes such as the Weyerhauser homes off of Chestnut ST.
+	New destination businesses locating in the district (Avenue C Restaurant) and community capacity to support them—good use of upper story signage to communicate to Hwy 33
+	Prime for entrepreneurial energy & opportunities to market EDA programs
+	Downtown should have distinctive features – should each district be unique or have continuity?
CHALLENGES	ISSUE
-	High number of vacant buildings without active utilities; AND actively occupied buildings that are blighted
-	The City of Carlton historically had a gateway entrance sign that said “gateway to Jay Cooke.” The West End is a good entrance spot for gateway signage. Need a reason to draw traffic off of road, which comes first – make it attractive then businesses will locate or vice versa? Need wayfinding signage into and around the district (homes, riverfront etc.)



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-	The function of Wentworth Park is now gone post relocation of City Hall from West End. This park along with property along Avenue B from Broadway to Arch ST is a good location for housing redevelopment – townhome style within the District.
-	Blight along Avenue A in particular from Chestnut to Arch ST—prime for redevelopment of housing. Avenue B from Chestnut to Market ST on the north side of the ST is blighted concepts to redevelop block housing with berm or garage entrance on Avenue A and housing facing Avenue B.
-	Opportunity to landscape and clean up municipal parking lots owned by the City downtown –VFW West End, walkway to the lot across burned down former Hong Kong Restaurant building.
CLOQUET AVENUE BUSINESS DISTRICT	
ASSETS	ISSUE
+	Wide Road. Opportunity to plan for the appropriate design for future roadway project which is programmed for a few years from now— PC Input Road Diet Opportunity (Ideas – downtown Park Rapids and part of Grand Rapids has parking in the center of the street on low volume streets)
+	FLW Gas Station. An underappreciated asset, very unique.
+	New destination restaurant – NE BBQ
CHALLENGES	ISSUE
-	Fast moving traffic and a wide street, tough for pedestrians.
-	There are some blighted buildings along Cloquet Avenue – Aardvark, Bark of Town, Lamberts (set for SCDP grant), Eds, former Casey’s Bakery on 14 th ST
-	Inefficient traffic signal timings on Cloquet Avenue at 14 th and 10 th ST
-	Opportunity to landscape and clean up other municipal parking lots owned by the City downtown – Nelson Funeral Home Lot, VFW West End.
-	Full City parking lot at SpecSys Building being used by County, does County need more room to expand Downtown?

Commissioner’s Questions/Comment

Mr. Cottingham noted that ISD #94 would begin working on an addition to Churchill School in order to move ECFE to that site.

Next Meeting

December 13, 2016

Meeting adjourned 8:43 p.m.

Respectfully submitted,

Al Cottingham, City Planner/Zoning Administrator



Community Development Department

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

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: December 7, 2016

**ITEM DESCRIPTION: ZONING CASE 16-21: UTILITY EASEMENT VACATION –
VACATING THE UTILITY EASEMENT LYING EAST OF
ARTHUR STREET AND SOUTH OF SLATE STREET**

Background

ISD #94 is proposing to vacate the utility easement lying east of Arthur Street and south of Slate Street. This is being requested since a portion of the school is constructed over the easement and a portion of the proposed addition would also be over the easement. ISD #94 will be relocating the existing storm sewer and is proposing the creation of a new easement over the new storm sewer line.

A public hearing will be held on Tuesday, December 13, 2016 to consider a possible utility easement vacation. A legal notice was published in the Pine Journal on November 23, 2016 and effected property owners were sent notices of the public hearing.

Policy Objectives

There is no formal requirement on determining if a utility easement should be vacated. It is really up to a common sense approach as to whether there is currently or will be in the future a need for the easement that is being vacated.

Financial Impacts

The filing fee for the vacation of an easement is \$350.00. The applicant has paid that fee.

Advisory Committee Action Requested

The Planning Commission should listen to the testimony that is presented at the public hearing for the vacation. Following this testimony the Planning Commission should review the vacation and either recommend approval or denial the vacation as submitted.

Staff Recommendation

Staff has reviewed the vacation request and would recommend approval of the vacation. If the Planning Commission recommends approval then a new easement should be created for the rerouting of the utility.

Supporting Documents Attachments

- Resolution No. 16-21
- Location Map
- Easement Drawing
- New Easement Drawing

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

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**

WHEREAS, ISD #94 is proposing to vacate the utility easement lying east of Arthur Street and south of Slate Street; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Journal and effected property owners have been 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. 16-21 was heard and discussed; and

WHEREAS, the property of the proposed Vacation is located east of Arthur Street and south of Slate Street and is legally described as follows:

A twenty (20) foot wide strip of land running on and across Block 111 of the Original Plat of the City of Cloquet, said strip lying ten (10) feet on each side of the following described line:
Commencing at the northeast corner of Block 111 of the Original Plat of the City of Cloquet;
thence west on the north line of said block a distance of forty (40) feet for the point of beginning;
thence southwesterly to a point which lies one hundred thirty-five (135) feet west and one hundred (100) feet south of the northeast corner of Block 111; thence again southwesterly to a point which lies thirty (30) feet south of the southwest corner of Block 111. And recorded with Carlton County as Document No. 232013. And,

WHEREAS, the Planning Commission reviewed the staff report and recommends approval of the vacation.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission recommends approval of Zoning Case 16-21 for a vacation of the utility easement lying east of Arthur Street and south of Slate Street.

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

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

Passed and adopted this 13th day of December 2016.

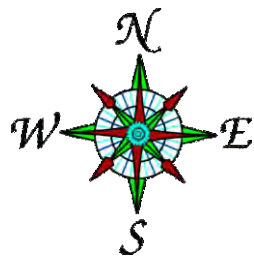
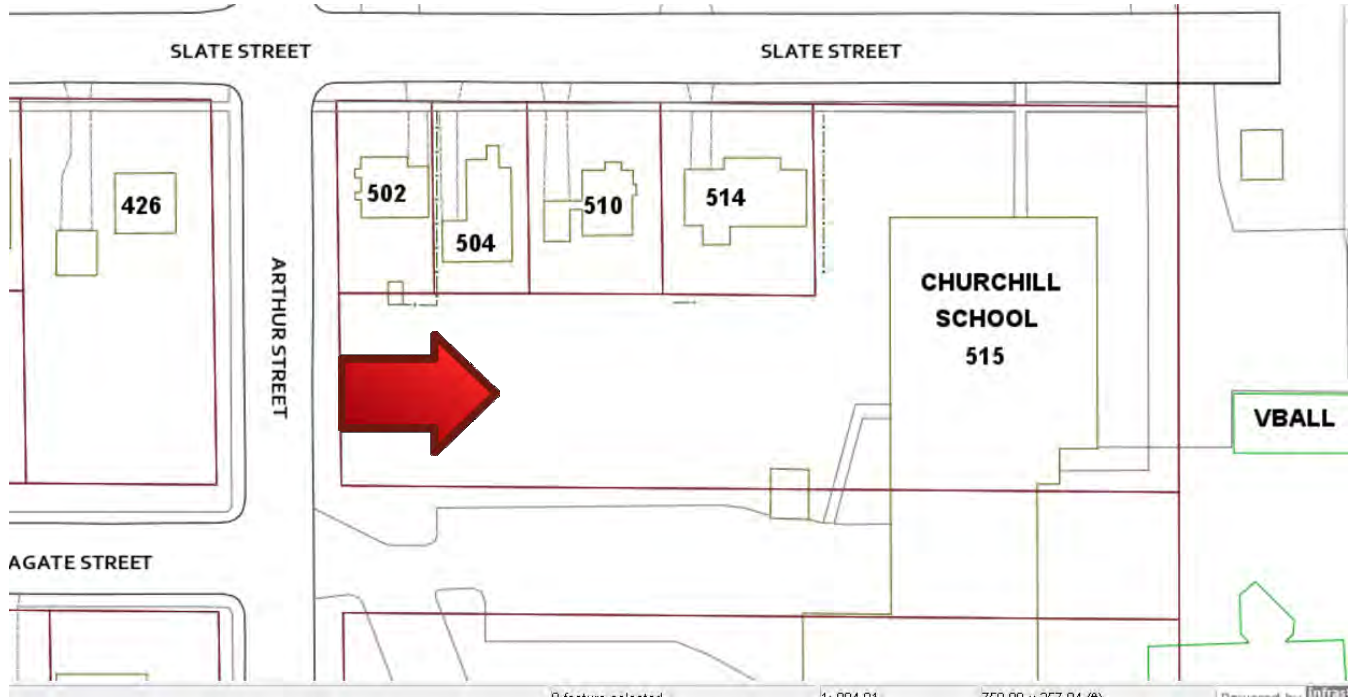
CITY OF CLOQUET

JESSE BERGLUND
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

Location Map

ISD #94



No Scale

**EASEMENT SKETCH FOR:
INDEPENDENT SCHOOL DISTRICT # 94
CHURCHILL ELEMENTARY**

DESCRIPTION OF STORM SEWER EASEMENT

A 20.00 foot wide easement for storm sewer purposes over, under and across that part of Block III of the Original Plat Of the Village, now city, of Cloquet, and vacated Agate Street. The centerline of said easement is described as commencing at the northeast corner of said Block III; thence on an assumed bearing of South 89 degrees 56 minutes 49 seconds West, along the north line of said Block III a distance of 40.00 feet to the point of beginning of the centerline to be described; thence South 43 degrees 27 minutes 35 seconds West 60.85 feet; thence South 89 degrees 42 minutes 35 seconds West 52.37 feet; thence South 14 degrees 52 minutes 23 seconds West 67.91 feet to a line 10.00 feet south of and parallel with the south line of the north half of said Block III; thence South 89 degrees 57 minutes 25 seconds West along said parallel line 101.03 feet; thence South 26 degrees 03 minutes 02 seconds West 48.23 feet; thence South 00 degrees 17 minutes 21 seconds East 12.69 feet; thence South 64 degrees 36 minutes 26 seconds West 149.32 feet to the southerly extension of the west line of said Block III and centerline there terminating.

The sidelines of said easement are to be prolonged or shortened to terminate at said north line of Block III and said southerly extension of the west line of Block III.

I hereby certify that this sketch, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 2nd day of November, 2016.

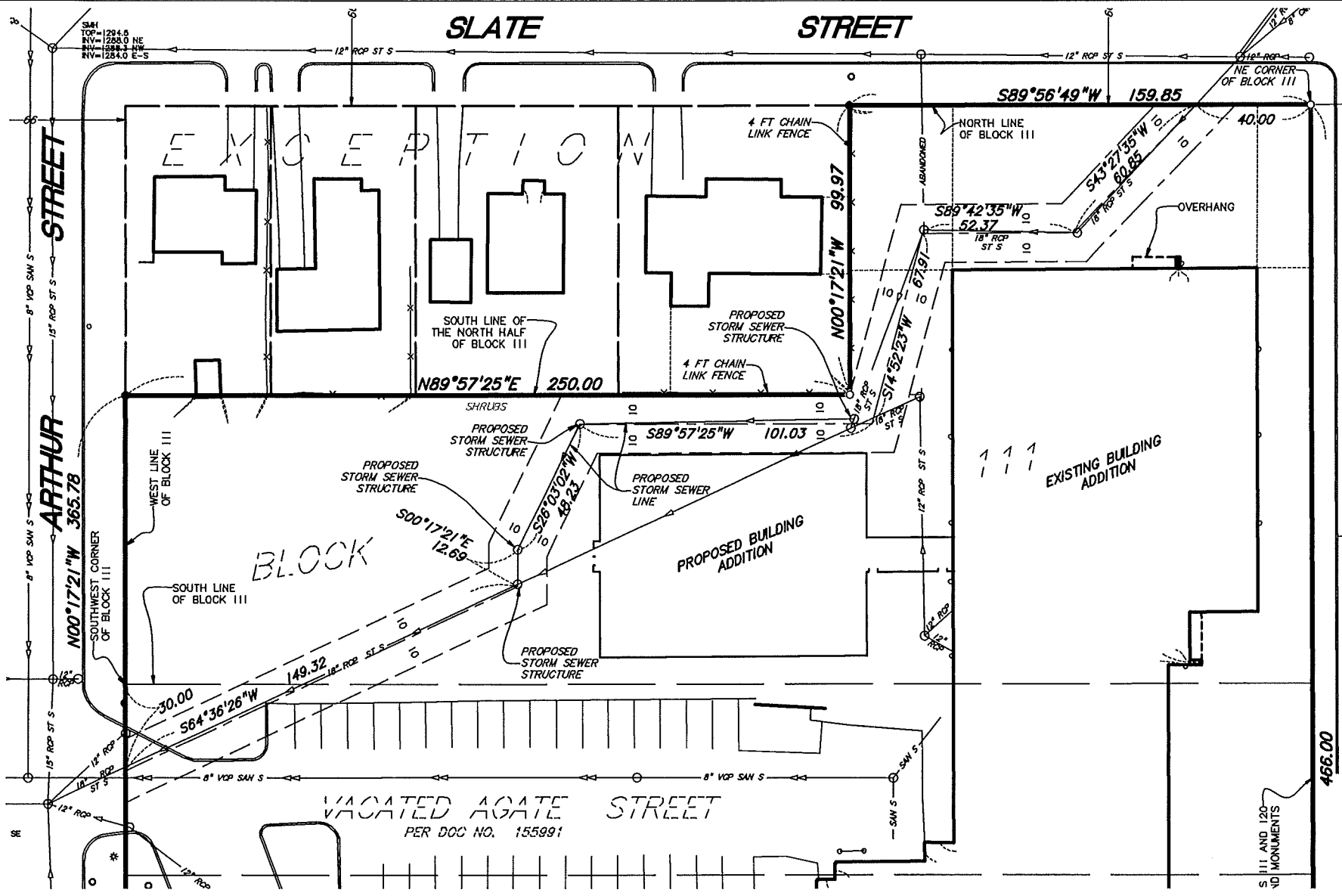
SUNDE LAND SURVEYING, LLC.

By: *Arlene J. Carlson*
Arlene J. Carlson, P.L.S. Minn. Lic. No. 44900

SHEET 1 OF 2 SHEETS



Branch Office:
1504 1/2 South Hwy. 33 • Suite A
Cloquet, Minnesota 55720
218-499-8267 (Phone/Fax)
Main Office:
Bloomington, Minnesota 952-881-2455



SCALE: 1 Inch = 50 Feet

NEW STORM SEWER EASEMENT

SHEET 2 OF 2 SHEETS



Branch Office:
 1504 1/2 South Hwy. 33 • Suite A
 Cloquet, Minnesota 55720
 218-499-8267 (Phone/Fax)
 Main Office:
 Bloomington, Minnesota 952-881-2455



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

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: December 7, 2016

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

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 will be 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.



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.

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. Most of the comments were relatively minor however; there were four items that warrant some discussion.

1. **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.
2. **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 sooner than 180 days. Gas exceedances need to be addressed expediently since they could lead to explosive conditions.
3. **Section 3.6:** Exceedances should be reported to the MPCA Duty Officer and the City within 24 hours of detection.
4. **Appendix A, Gas Probe Log:** Modify gas probe log to include hydrogen sulfide monitoring, leachate sump riser pipes and cleanouts monitoring, on-site structure locations without continuous monitoring.



An Active Gas System must be installed at a minimum if either of the following occurs:

1. If there is migration outside the landfill lined area, in particular toward the scale house area.
2. There are gas blowouts or emissions through the intermediate/daily cover resulting in odor that can't be controlled by cover soil alone.

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.*



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

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.*

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, A Resolution recommending approval of the conditional use permit amendment for property located at 761 Highway 45 for Shamrock Landfill subject to the conditions in the attached resolution.

Attachments

- Resolution 16-20
- Location Map
- Petitioner's Narrative
- Resolution 11-11 Approving the CUP
- Consultant Comments

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 16-20

A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR THE EXPANDED HOURS OF OPERATION AND 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 modify their hours of operation to allow new hours of 7:00 A.M. to 7:00 P.M. seven days a week; 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 neighbors 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; 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 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.
3. The Gas Management and Monitoring Plan must be approved by the Minnesota Pollution Control Agency and implemented.
4. Loads of paper sludge waste are allowed to unload at any time of the day or night.
5. Details should be provided in the Gas Management and Monitoring Plan to address odor control if odors are detected at the facility as outlined in the February 2011 Conditional Use Permit.
6. 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 sooner than 180 days. Gas exceedances need to be addressed expediently since they could lead to explosive conditions.
7. Exceedances should be reported to the MPCA Duty Officer and the City within 24 hours of detection.
8. Modify gas probe log to include hydrogen sulfide monitoring, leachate sump riser pipes and cleanouts monitoring, on-site structure locations without continuous monitoring.
9. A Contingency Flow Chart similar to those attached to this resolution should be provided for Odor Control and Gas Build Up Inside Confined Spaces or Gas Monitoring Probe Exceedances of LEL.
10. An Active Gas System must be installed at a minimum if either of the following occurs: If there is migration outside the landfill lined area, in particular toward the scale house area, or there are gas blowouts or emissions through the intermediate/daily cover resulting in odor that can't be controlled by cover soil alone.

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

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

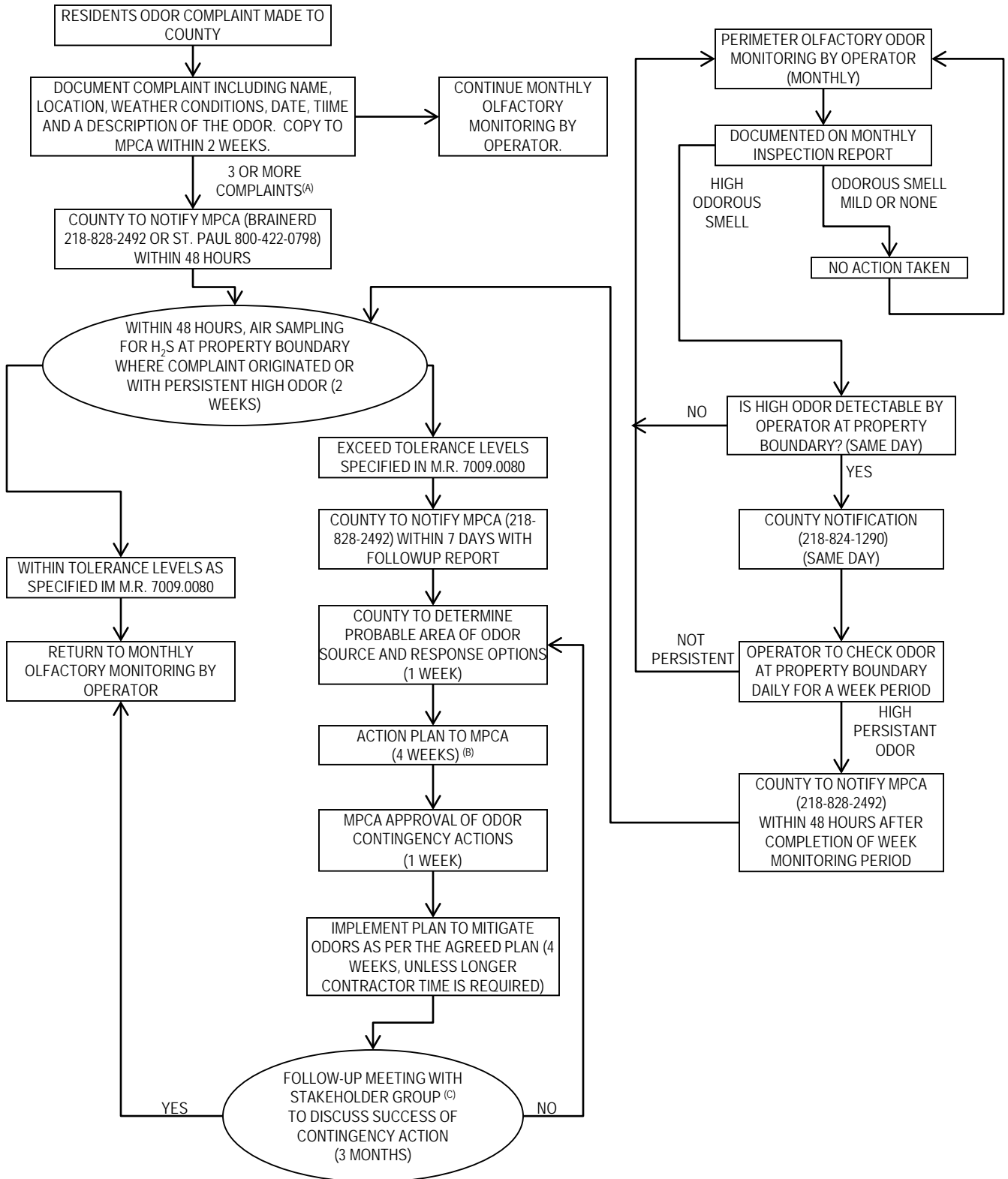
Passed and adopted this 13th day of December 2016.

CITY OF CLOQUET

JESSE BERGLUND
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

CONTINGENCY FLOW CHART C-14 ODOR CONTROL

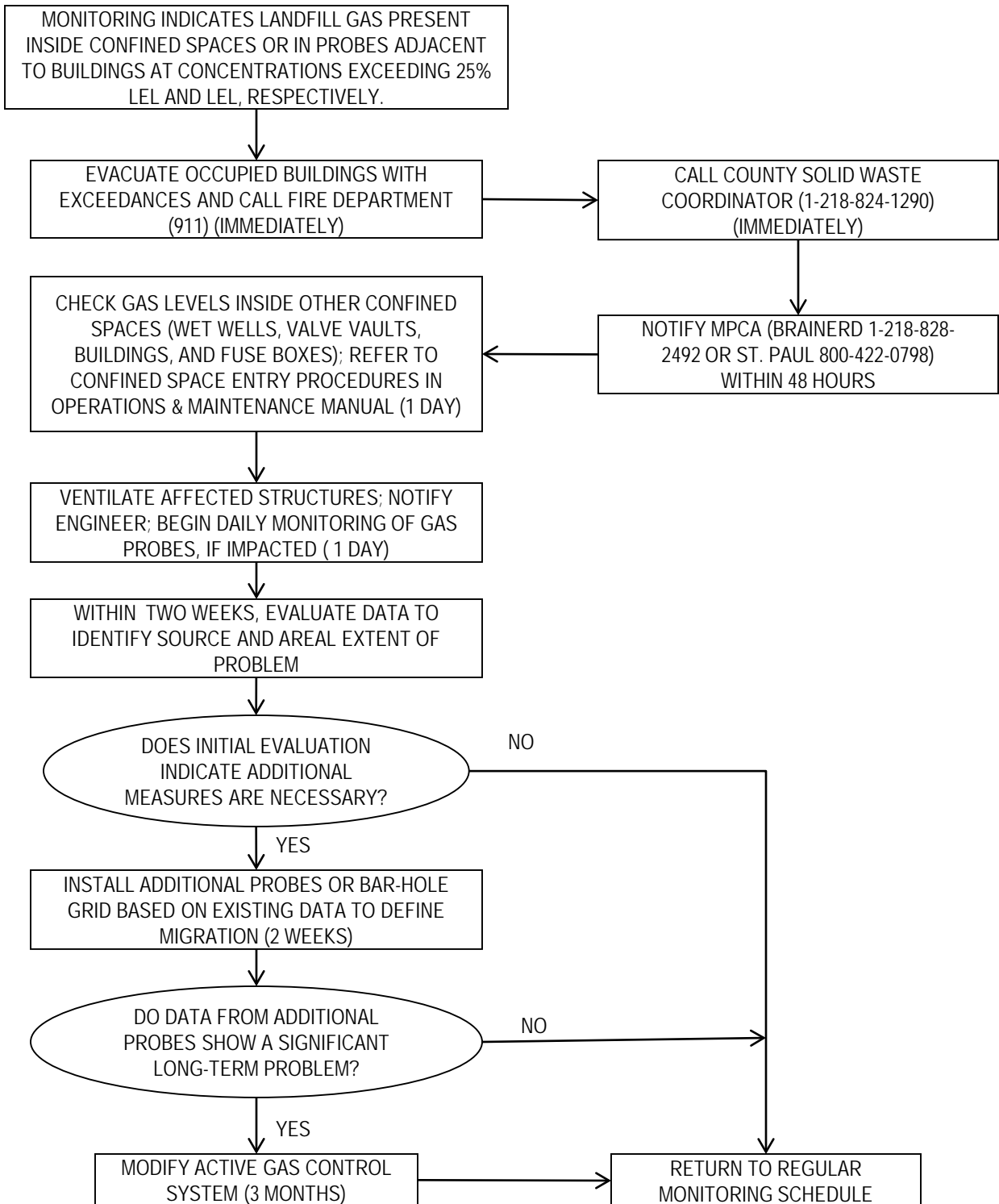


(A) WITHIN A TWO-WEEK PERIOD

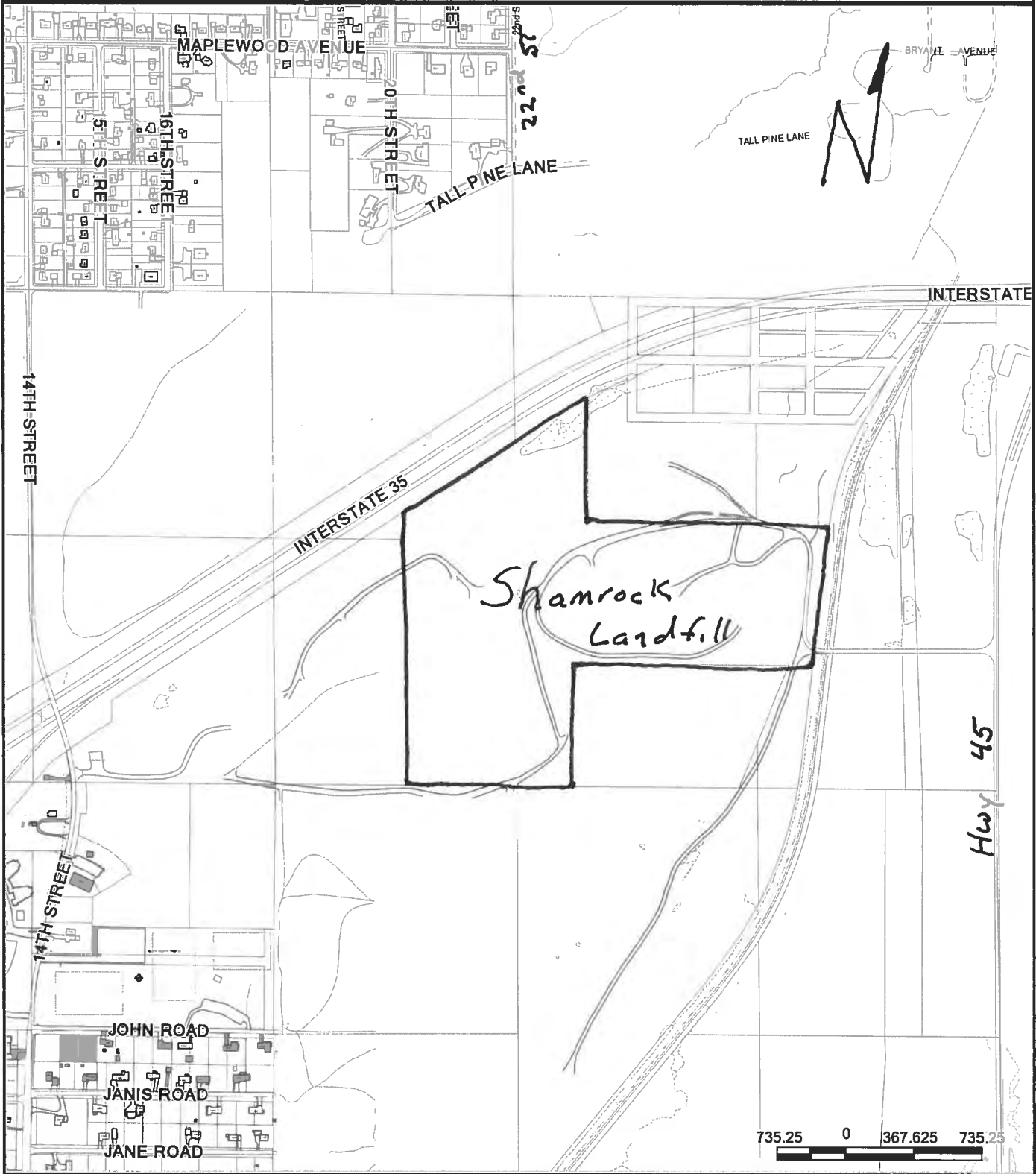
(B) ACTIONS COULD INCLUDE DEODORIZERS, INCREASED DAILY COVER, REDUCED OR SUSPENDED RECIRCULATION, OR MODIFIED ACTIVE LFG CONTROL.

(C) STAKEHOLDER GROUP CONSISTS OF RESIDENTS, OPERATOR, COUNTY SOLID WASTE OFFICER, COUNTY'S ENGINEERING CONSULTANT, AND MPCA REPRESENTATIVE

CONTINGENCY FLOW CHART E-2 L.F GAS BUILD UP INSIDE CONFINED SPACES OR GAS MONITORING PROBE EXCEEDANCES OF LEL



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



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

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- A Gas Probe and Continuous Gas Monitor Log Sheets

1.0 Introduction

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

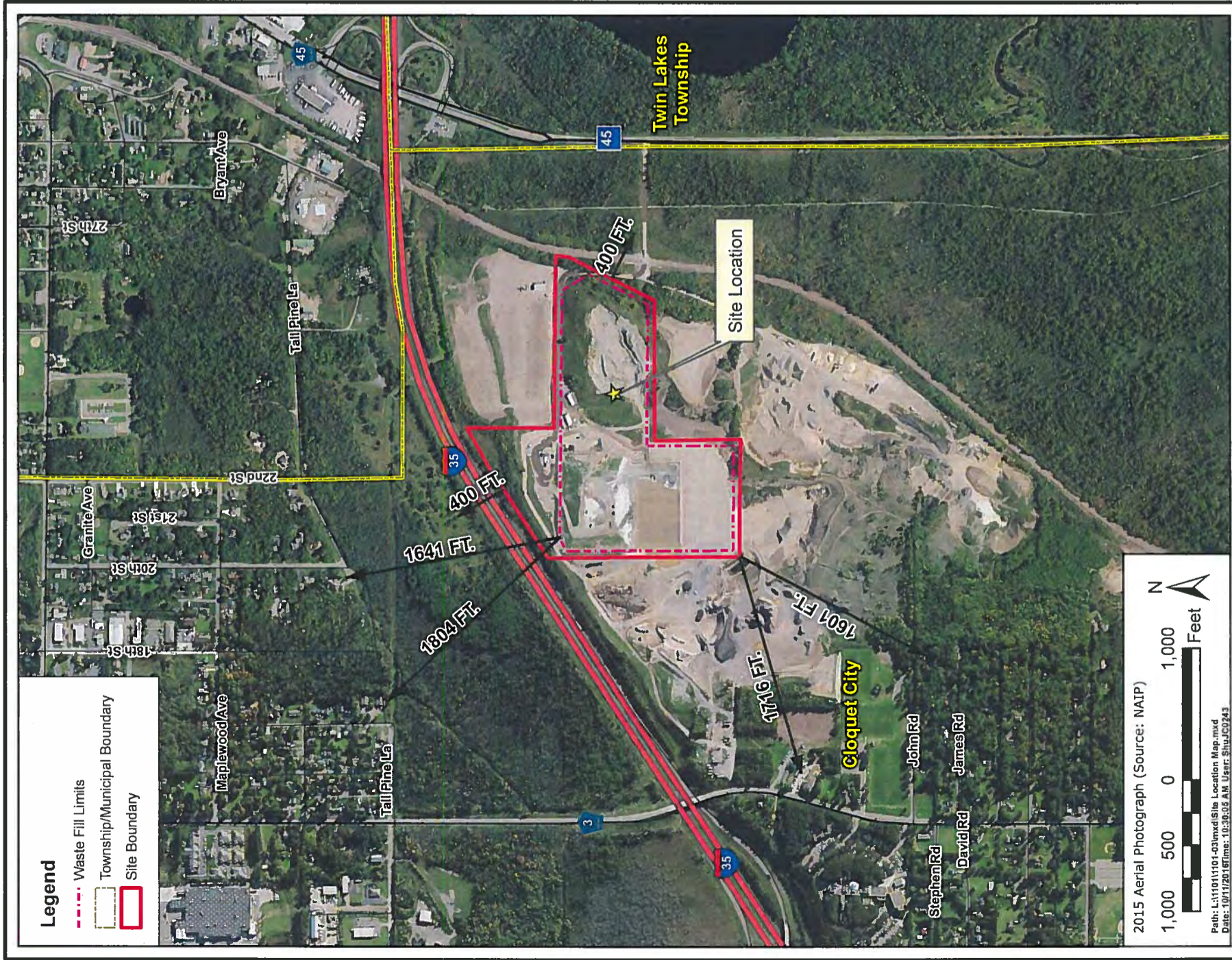
General Construction Information for Proposed Gas Monitoring Probes
 SKB Environmental Landfill
 Cloquet, MN

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

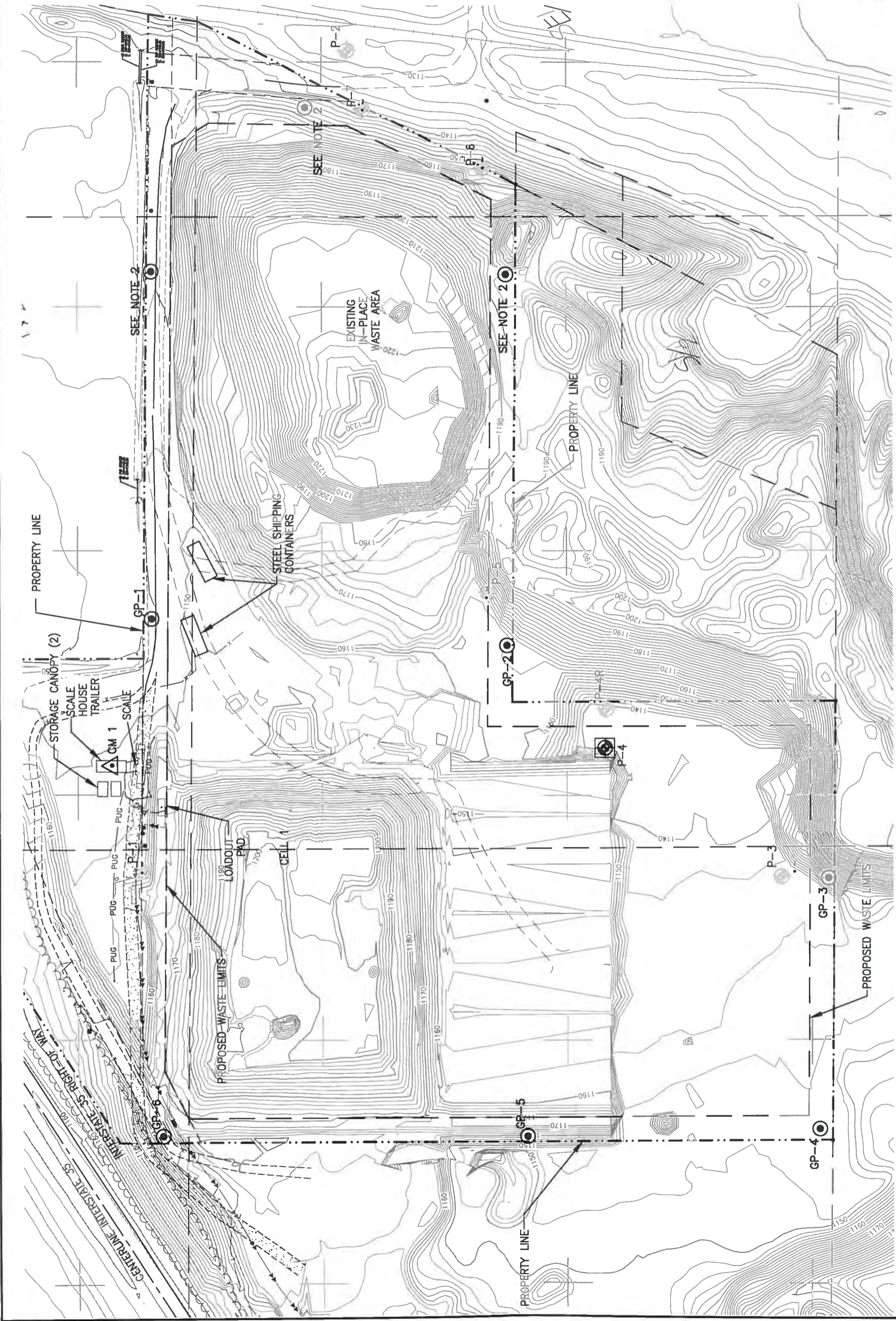
- 1 Aerial Site Location Map
- 2 Proposed Gas Monitoring Locations
- 3 Proposed Gas Monitoring Construction Details



OCT 2016
Figure 1



SKB ENVIRONMENTAL CLOQUET LANDFILL
Site Location Map



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

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

SEAL

PRIME CONSULTANT

SUB CONSULTANT

WENCK
 ASSOCIATES

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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.

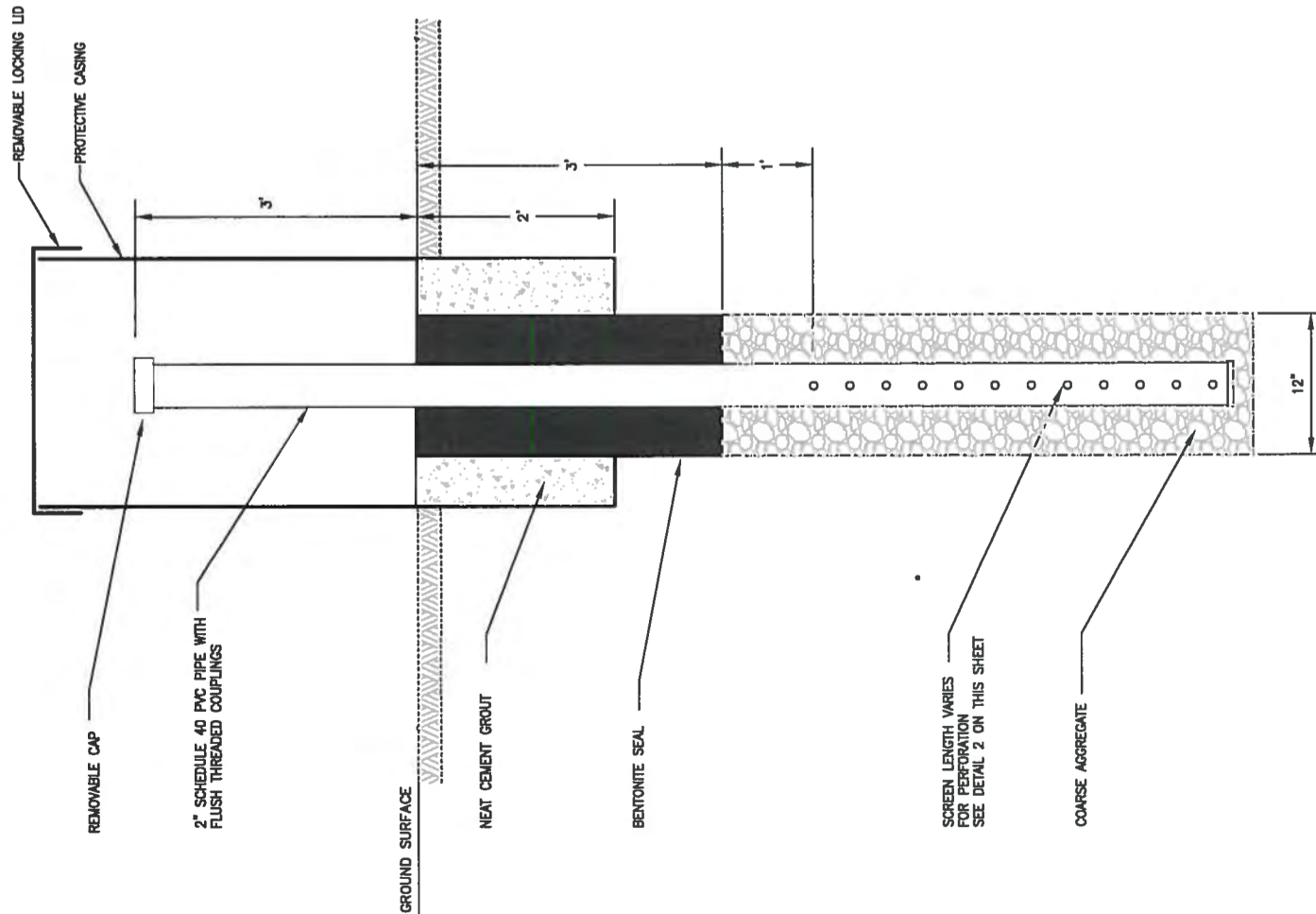
SHEET TITLE
PROPOSED GAS MONITORING LOCATIONS

DWN BY: CHK'D: APP'D: DWG DATE: OCTOBER

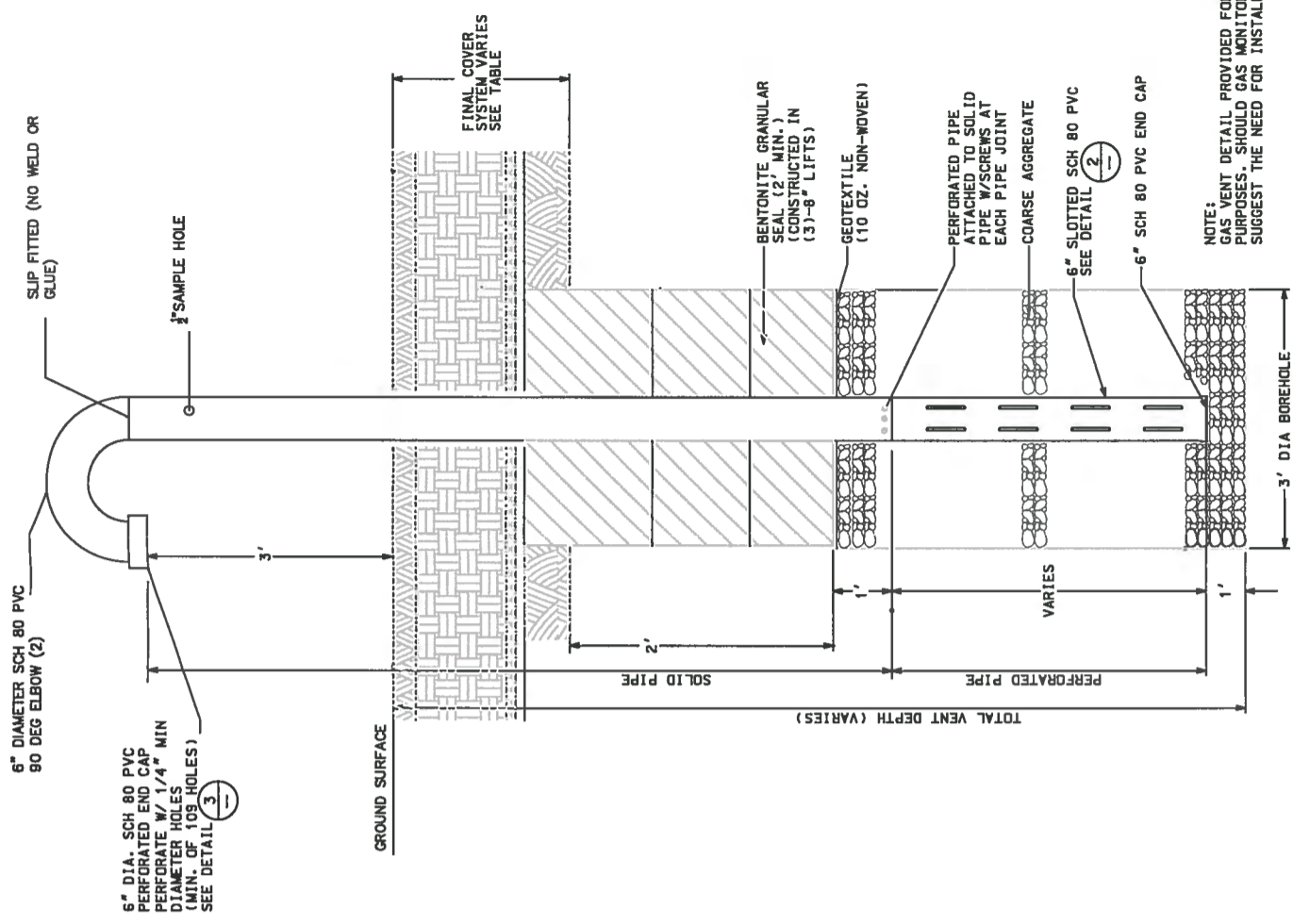
JVB SH TJS SCALE AS SHOWN

PROJECT NO. SHEET NO. 3053-0037

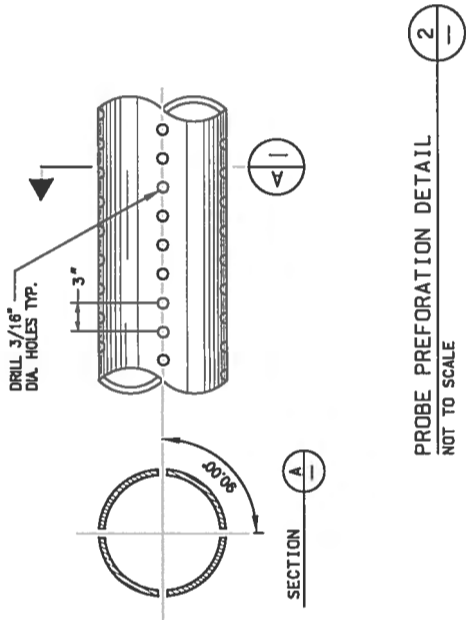
FIGURE 2



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	

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PROJECT TITLE: SKB ENVIRONMENTAL LANDFILL CLOUQUET GAS MANAGEMENT AND MONITORING PLAN
SKB ENVIRONMENTAL, INC.

SHEET TITLE: GAS PROBE DETAILS
DWN BY: JVB, CHK'D: TJS, APP'D: TJS, DWG DATE: OCTOBER, SCALE: AS SHOWN, SHEET NO.: 3053-0037, PROJECT NO.: 3053-0037, REVISION: FIGURE 3

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									

**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 14th 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.

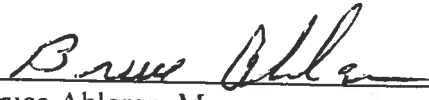
5. The proposed use meets Conditional Use Permit Approval Criteria (5), because it is in conformance with all other requirements of the Zoning Ordinance. The Applicant has agreed to all reasonable conditions which have been made a part of the Conditional Use Permit, which are concessions made in response 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 15th DAY OF FEBRUARY, 2011.**



Bruce Ahlgren, Mayor

ATTEST:



Brian Fritsinger, City Administrator

Memorandum



Date: December 1, 2016

To: City of Cloquet, Minnesota

From: Fred Doran, PE, Burns & McDonnell
Tonya Koller, PE, Burns & McDonnell

Subject: Review of October 2016 SKB Environmental Cloquet Landfill Gas Management and Monitoring Plan

On behalf of the City of Cloquet (City), Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) has completed a review of the SKB Environmental Cloquet Landfill (Landfill) Gas Management and Monitoring Plan, MPCA Permit #SW-399 prepared by Wenck and Associates, October 2016 (Plan). The following questions and comments are provided from our review of this Plan.

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.
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.
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.
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.
5. **Section 3.3.1:** Please provide the proposed location for the continuous gas monitor located at the scale house trailer.
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).
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.
8. **Section 3.6:** Exceedances should be reported to the MPCA Duty Officer and the City within 24 hours of detection.

December 1, 2016

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

FJD/TLK

cc: Holly Hansen, Community Planning Director
Al Cottingham, Planning & Zoning Administrator