

Forman, North Dakota  
November 27, 2001

The Sargent County Board of Commissioners reconvened from November 20, 2001 at 1:00 p.m. with the following members present: Donald Wehlander, Karen Anderson, Bill Smith and Steven Wyum. Absent Ray Brockman. Also present: Lyle Bopp, representatives from the North Dakota State Health Department, representatives from Dakota Landfill, the Gwinner City Council and Planning Commission.

The purpose of the meeting was to continue the discussion on the permit application from Dakota Landfill for the expansion project.

R.E.T. Smith, attorney for the landfill suggested that the county enter into an agreement similar to the host agreement with Whitestone Hill Township.

Kim Beckstrom discussed an overview of the conditions that were suggested by the planning commission at the last meeting.

Dave Glatt, ND State Health Dept. explained what waste is allowed at the landfill and that state rules allow up to 10% industrial waste in a MSW landfill. Hazardous waste is not an acceptable waste except as allowed within household waste. He explained the processing of non-infectious medical waste before it is allowed at the landfill.

The setback of wetlands is 200 feet but the state has worked with the US Fish and Wildlife Service and the state has requested an adequate water control program that would allow a variance of 100-foot setbacks.

A full-time monitor at the landfill is an issue that many would like to see at Dakota Landfill. Mr. Glatt explained that the monitor they employ conducts inspections and also goes to sites that provide waste to discuss problem loads so they do not occur again. He feels the monitor has a good handle and meets the certification requirements. It is a continuous job to watch for unacceptable items and the landfill employs four fulltime certified inspectors to handle these inspections.

The NDSHD implements rules for the state and the most important is the local zoning. State rules must comply and local issues must be dealt with.

Grover Riebe, Mayor, Gwinner City, asked about the status of the permit. The NDSHD has made some minor modifications and is waiting for a letter from the county with their recommendation. Mr. Riebe explained the analysis and profiling of industrial waste from IR Bobcat in Gwinner. They can't haul waste anyplace and he feels the landfill is being operated in a good way.

Bill Smith discussed the county commission interest in the landfill and zoning. The Planning Commission held many meetings to prepare the ordinance for Sargent County and the landfill is here and an agreement needs to be worked out. He is proposing a \$1.50 per ton tipping fee to provide monitoring and regulating at the landfill and provide adequate ambulance service.

Steven Wyum met with States Attorney Lyle Bopp and prepared a draft landfill permit proposal. He also feels the Planning Commission has done a very timely job in reacting to the permit.

The following draft proposal was presented:

- 1) Landfill operator and its successors acknowledge the Zoning Jurisdiction and authority of Sargent County to regulate Solid Waste and Incineration facilities located within Sargent County excepting the currently active disposal within 32 acre cell located in the Southwest Quarter (SW1/4) of Section Ten (10) in Township One Hundred Thirty-two (132) of Range Fifty-six (56).
- 2) Permit for active disposal site shall be limited to the approximate 44 acre disposal site permitted by the North Dakota Department of Health as described in the amended permit applications to the Department of Health and Sargent County as per the attached map.
- 3) Landfill operator shall pay monthly a tipping fee of \$1.50 per ton to Sargent County to be deposited in a special fund for cost anticipated in monitoring and regulating the landfill, determining compliance or noncompliance with the permit, addressing environmental concerns and studies directly related to the landfill and other costs associated directly with the presence of the landfill in Sargent County such as training, equipment and personnel.
- 4) No hazardous waste shall be placed in any landfill cell except that those concentrations contained in municipal solid waste as permitted by North Dakota Department of Health and industrial waste shall be limited to those items and quantities as regulated by North Dakota Law and permitted by the North Dakota Department of Health.
- 5) Subject to all conditions and restrictions as set forth in Sargent County North Dakota Zoning Resolution No. 1 as amended.
- 6) Slope of landfill cell constructed pursuant to the permit application dated June 26, 2001, as amended not exceed 15 percent grade.

Discussion followed on the five-year term limit on the county permit and if a variance would be appropriate to request a ten-year permit to coincide with the state permit. Also discussed if the county commissioners would consider the proposal by the NDSHD on the closure slopes at any new cells authorized for construction at the site at 18 percent.

Other comments followed on the term of the permit, full-time monitoring, tipping fee and a longtime guarantee to the citizens of Sargent County.

Steven Wyum moved that Sargent County issue a permit to Big Dipper Enterprises, Inc. (Dakota Municipal Solid Waste Landfill) including the six conditions as presented in the draft proposal and a \$1.50 per ton tipping fee. Also provide for an exception on Condition # 6 with language from the NDSHD-Division of Waste Management as shown in the Municipal Solid Waste Management Permit No. SW-257 Page 5 (F.4) regarding closure slopes and that technical language be clarified by the Sargent County States Attorney. Bill Smith seconded the motion.

Discussion on justification of the \$1.50 tipping fee and that the county commissioners are responsible for establishing a budget for each permit received. Some people present asked for an explanation of what the tipping fee would be spent on and if the fee would allow the landfill to operate economically.

Lyle Bopp commented that he advised the county commissioners not to enter into a host agreement and use the tipping fees for events directly connected to issues regarding the landfill.

Roll call vote: Yes - Anderson, Smith, Wyum, Wehlender. No - none. Absent - Brockman. Motion carried.

Meeting adjourned at 2:55 p.m.

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DONALD WEHLANDER - CHAIRMAN

ATTEST:

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SHERRY HOSFORD - AUDITOR