



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	15-046	Contact	Steven Robertson	
Application Type	Special Use Permit Amendment	Planning Commission Date	April 14, 2015	
Deadline for Action	Application Date	March 16, 2015	60 Days	May 15, 2015
	Date Extension Letter Mailed	March 24, 2015	120 Days	July 14, 2015
Location of Subject	1100 West Gary Street			
Applicant	Vonco V, LLC	Contact		
Agent	Ian Vagle	Contact	ivagle@voncousa.com	
Legal Description	See attached			
Site Visit Date	April 4, 2015	Sign Notice Date	March 30, 2015	
Neighbor Letter Date	March 30, 2015	Number of Letters Sent	12	

Proposal

The applicant is proposing to amend the existing Special Use Permit to allow for a change to the approved facilities boundaries.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Solid Waste Disposal Facility	General Industrial/ Low-Density Neighborhood
North	RR-1	Vacant City & Tax-Forfeited Land	Preservation
South	IG/RR-1	Solid Waste Disposal Facility	General Industrial and Preservation
East	R-1	Homes and vacant land	Low-Density Neighborhood
West	RR-1	Vacant Tax-Forfeited Land	Preservation

Summary of Code Requirements (reference section with a brief description):

-UDC Section 50-11.1.A. "Permits and approvals that are valid on 11/19/2010, shall remain valid until their expiration date." A Special Use Permit was issued for this facility in 2001 and remains in effect today.

-UDC Table 50-19.8. Use Table; lists Solid Waste Disposal and Processing Facility as a Special Use (in I-G)

-UDC Section 50-20.4.J. Use Specific Standards for Solid Waste Disposal and Processing Facility

-UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

1. The application is consistent with the Comprehensive Land Use Plan;
2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area;
3. Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

History: May 8, 2000, City Council adopted Res. 00-0336 granting a Special Use Permit for the site per State Court of Appeals ruling. History of landfill uses on this site goes back to 1977 with permits for site grading going back to 1967. July 9, 2001 City Council approved Res. 01-0513, amending an existing Special Use Permit for a demolition debris landfill, expanding the facility from 12 acres (of a 30 acre site) to 37.5 acres (of a 74.5 acre site) and the height of the disposal mound from 36 feet to 90 feet and expanding the material accepted to include construction debris (FN 01031). The applicant amended the existing SUP and Variance in 2012 (PL 12-033 and PL 12-075) to allow for an access road and leachate collection facility. Portions of the property were rezoned from RR-1 to I-G in early 2013 (PL13-014).

The Comprehensive Plan Future Land Use Map indicates General Industrial described as: areas for manufacturing, processing and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant is proposing to amend the existing Special Use Permit to allow for a change to the approved facilities boundaries.
- 2) According to the applicant "in order to increase the feasibility of the capping, the MPCA agreed to straight the southern boundary of the facility requiring approximately 40,000 cubic yards of solid waste to be relocated back into the facility. Along with the waste relocation also relocate a previously deposited slag waste pile from Engineers Reality, INC. for its current unlined location into a lined landfill cell."
- 3) The proposed Special Use Permit amendments are consistent with the Comprehensive Plan.
- 4) Approving this Special Use Permit amendment will continue the previously approved use of this site for solid waste disposal. No negative land use or environmental impacts are anticipated; it is likely with the relocation of the slag pile, the potential land use and environmental conflicts will be lessened. The City has authority to address items related to land use, and the MPCA has authority to address issues regarding items allowed in this facility and how they are monitored.
- 5) No agency or neighbor comments were received regarding this proposal, other than one citizen calling to ask for more information about the project.
- 6) Per UDC 50-37.1.N, an approved Special Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommends that the Planning Commission approve the amendment to the Special Use Permit, subject to the following minimum conditions:

- 1) The project area be amended to the limit shown in plans labeled Exhibit C, and date stamped March 16, 2015.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

Reason for Request

Vonco V, LLC respectfully requests an amendment to its existing Special Use Permit, to incorporate the modifications to the facility property boundary and design as reflected in the January 19th, 2015 Engineering Report submitted to the Minnesota Pollution Control Agency (MPCA), Western Lake Superior Sanitary District (WLSSD), and City of Duluth. The submittal was a result of an MPCA re-permit application required to close out a self-reported enforcement action from 2012. The action required that the first four phases of the facility be covered with a geomembrane and soil cap to prevent water infiltration. In order to increase the feasibility of the capping, the MPCA agreed to straighten the southern boundary of the facility requiring approximately 40,000 cubic yards of solid waste to be relocated back into the facility. Along with the waste relocation and as a show of good faith, Vonco V, LLC also came to an agreement with the MPCA to relocate a previously deposited slag waste pile from Engineers Reality, Inc (ERI) from its current unlined location, into its lined landfill cell. This will serve to improve the groundwater quality around the pile and place the material on an appropriate liner system so that it will not pose a threat in the future. The relocation of the slag pile will allow Vonco V, LLC to straighten the southern boundary and slope and allow for the MPCA required final cover system. Please refer to attachment B and C for an illustration of the proposed change that will serve to improve the environmental performance of the facility and lessen the impact that the ERI slag pile has caused over the last decade.

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City Planning
 PL 15-046
 Vonco V Landfill
 1100 W Gary St.



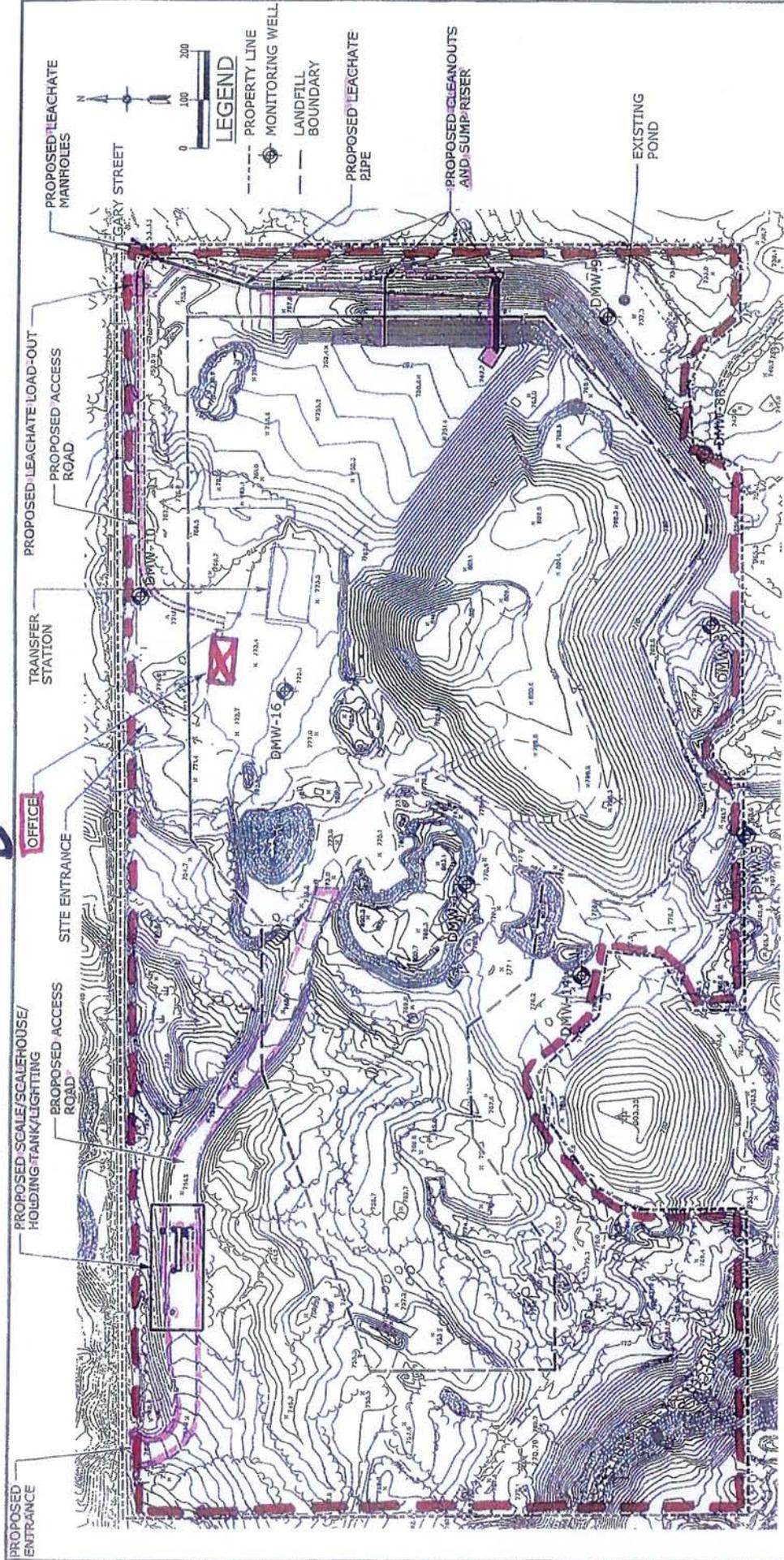
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, March 20, 2015. Source: City of Duluth.



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Notes:

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VONCO V, LLC
1100 West Gary Street
Duluth, Minnesota

VONCO V - DULUTH

EXISTING CONDITIONS/
PROPOSED FEATURES

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1.0 INTRODUCTION

This “Engineering Report” (Report) was prepared on behalf of Vonco V Duluth, LLC, as part of the application to renew solid waste permit SW-536 for the Vonco V Duluth landfill (Facility). It supersedes the “Facility Manual – Industrial Landfill” (Carlson Professional Services, Inc., 2011), as approved in the current permit. The information herein includes the information required in Minnesota Rules (MR) part 7035.2825 and other applicable parts.

The Report includes the design information as required in MR part 7001. Other information included as part of the permit application includes:

- Operations and Emergency Procedures Manual;
- Closure, Postclosure and Contingency Action Plans;
- Final Cover Construction Quality Assurance Plan;
- Leachate Management Plan, and;
- Industrial Solid Waste Management Plan.

1.1 Purpose of Report

The purpose of this report is to provide the design and operational information required in the Minnesota Rules cited above in order to renew and modify the solid waste permit for the Vonco V facility.

1.2 General Site Information

1.2.1 Site Description

The property is located at 1100 West Gary Street in Duluth, Minnesota (Sheet 1). The 74.5 acre parcel is located in the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 4, Township 58 North, Range 5 West in Duluth, Minnesota (see Sheet 1). The existing landfill is currently permitted for an ultimate disposal capacity of 3,001,550 cubic yards on 37.5 acres. A current facility map is presented in Sheet 2. In addition to the landfill, Vonco V also operates a demolition debris recycling center on the property under the current permit.

The Vonco V is operating under MPCA Solid Waste Permit SW-536, which was originally issued in 1999. The original site capacity was 560,000 cubic yards on 11.4 acres. The most recent permit, issued in August 2011, allows for 3,028,000 cubic yards on 37.5 acres. A Water Monitoring System (WMS) consisting of five monitoring wells is in place with quarterly sampling on-going.

Approximately 17.9 acres of the landfill have been developed, including 10.4 acres of unlined demolition fill area in Phases 1 through 4, and 7.5 acres of lined industrial fill area in Cell 5 (see Sheet 2). There is a permanent litter fence along the northern and

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northeastern boundaries of the site, and temporary litter screens to control blowing litter. The site is accessed directly from Gary Street.

1.2.2 Land Use and Zoning

The site is currently operating as a demolition debris and industrial waste landfill and transfer station, with recycling as an additional use. The property is zoned Industrial-General (I-G). The land south of the landfill is also zoned I-G, while the land to the southwest, west, north and east is zoned residential. The current operations are regulated under a Special Use Permit with the City of Duluth. The property is used for landfilling, recycling and as an office and storage area for Veit Disposal Systems and Veit and Company, Inc.

1.2.3 Transportation

The facility is located on the south side of Gary Street. Primary truck access is from the west, where Gary Street intersects Becks Road. The main site entrance is located near the northwest corner of the property (Sheet 2). The facility can also be accessed from the east along Gary Street, however, truck traffic is primary routed to the west to avoid residential areas.

1.2.4 Required Permits

Vonco V operates under the existing solid waste permit (SW-536), which must be renewed every five years. The waste management operations are also licensed by the Western Lake Superior Sanitary District (WLSSD), who also granted an industrial wastewater discharge permit for disposal of leachate into the sanitary sewer. Vonco V also has a Special Use Permit from the City of Duluth.

The site also has a National Pollution Discharge Elimination System/State Disposal System (NPDES/SDS) Industrial Storm Water Discharge Permit. When construction takes place, the NPDES/SDS construction discharge permit will be applied for, as required

1.3 Modifications to Previous Plans

The changes to the facility design and operation from the 2011 permit discussed herein include:

- The City of Duluth granted an application to change the zoning classification of the western 29 acres of the property to I-G in March 2013. This change allows the setback on that portion of the property to be set at 150 feet, instead of 300 feet, based on the previous zoning classification. The footprint of the landfill is revised to reflect the change.
- Vonco V purchased a 3.9 acre parcel (Sheet 2) along the southern boundary of the property and allows the waste boundary to be changed, as shown on the plans. As a

result of the purchase and the change in setback, the footprint of the landfill is increased from 37.5 acres to 50.4 acres.

- Redesign of the final grades and cover system, to incorporate a geomembrane liner over the entire facility, including the demolition disposal area (Phases 1-4). The maximum slope is increased to 33.3% according to the MPCA "Landfill Slope Guidance", dated May 28, 2002, which addresses specific design elements, including the use of benches on the slopes (as opposed to side slope berms) and analysis for slope stability. The change in slope design results in changes in the design of the runoff management features, including the use of pipes to carry runoff down the slopes. The new design features are discussed in Section 2 and shown on the plans. The maximum elevation of the completed landfill is 840 feet, per the requirement of the Special Use Permit.
- Minor changes to the base grades. The combination of changes to the landfill footprint and base and final grades result in an increase in the ultimate capacity from 3,028,000 cubic yards to 5,696,420 cubic yards.
- The leachate storage tank included in the approved plans was replaced with a series of manholes that allow leachate to be directly discharged to the local sanitary sewer system, as was approved as a minor modification to the permit in May 2012. These facilities, including a modified loadout to be used as a contingency, are already in place and are included on the plans included herein.
- A separate report is provided for the operations and emergency procedures manuals.
- A separate report is provided for the closure, postclosure care and contingency action plans, including updated cost estimates.
- The lined industrial disposal areas are now referred to as "cells". The demolition debris disposal areas are still referred to as phases.
- Additional minor revisions are included as necessary to make the document current.

1.4 Revisions to Previous Submittals

This Report was originally submitted on November 15, 2013. The MPCA, in a letter dated December 12, 2013, required the inclusion of a different final cover design over Phases 1-4 to meet their completeness criteria, which was incorporated into a revised Report dated January 17, 2014. The MPCA completed a technical review of the revised Report and provided additional comments in a letter dated April 9, 2014. Revision 2 of the Report addresses these additional comments. The comments and revisions are discussed in detail in the cover letter submitted with Revision 2. The major changes from the January 2014 version are as follows:

- An additional surface water pond is added on the south side of the landfill (designated as Pond 7 herein) so that runoff from the Vonco V property would not flow directly into an existing pond located on the neighboring property. Note that the ponds are re-numbered from the previous submittal. The analysis and discussion in Appendix C is updated to include the new pond.

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Engineering Report
Vonco V Duluth (SW-536)

- The base grades in Cells 8-11 are revised herein based on a field investigation conducted in May 2014 to re-define the limit of the perched water zone at the site (Sheet 3).
- The base grades in Cell 12 are revised, and a leachate sump included, to provide efficient leachate removal.
- The surface water drop pipes will be installed above the geomembrane, instead of below, as shown on Sheets 17 and 18.

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