



STAFF REPORT

DATE: 3/21/2017

CONSENT

ITEM#: 17

MOTION

TO: City Council
FROM: Emily Becker, City Planner
AGENDA ITEM: Request for Funds for Survey of Washington County Landfill Site
REVIEW BY: Kristina Handt, City Administrator

BACKGROUND:

The Minnesota Legislature, in 1994, adopted a Landfill Cleanup Act (LCA) (M.S. 115B.39-115B.45) which created the Closed Landfill Program (CLP), designating the Minnesota Pollution Control Agency (MPCA) responsible for clean and long term care of 112 closed, municipal, solid waste landfills throughout the state, making it responsible for managing risk to public health and environment associated with landfills. M.S. 115B.412, Subd. 9 requires the MPCA to develop a Land Use Plan for each landfill and that local government units (LGUs) make their land use plans consistent with the MPCA's plan for the site.

The Washington County Landfill within the City of Lake Elmo is subject to the statute that requires the MPCA develop a land use plan with which the governing body's land use plan must be consistent. The current land use plan for this site designates the Washington County Landfill area as Public/Park, indicating that the area may be used for publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. This is inconsistent with the MPCA's requirements, as their ultimate goals are to protect the integrity of the landfill's remediation, protect human health and public safety, and accommodate local government needs and desires for land use at the qualified facility with consideration for health and human safety purposes. The Washington County Landfill site is of particular concern, as there is groundwater contamination in certain areas, and the presence of certain activities, such as construction of enclosed structures, may be impacted or precluded by subsurface migration of methane gas.

In order for the City to move forth with the process of amending its land use plan to obtain consistency with that of the MPCA, the first step is to adjust the lot lines of City-owned PID#s 10-029-21-33-0001, 10-029-21-34-0001, and 15-292-12-10-0003, creating a parcel that represents the area the MPCA would like to be shown as the restricted landfill area. This will allow the surrounding areas to continue to be used and shown in the City's Land Use Plan as Public/Park.

In order for the City to move forth with the first step in adjusting the lot lines of the aforementioned parcels, the City must first have a survey done that will show adjusted lot lines and create new legal descriptions for the three parcels.

PROPOSAL DETAILS/ANALYSIS:

Current Restrictive Covenants on the Site. Currently, there are restrictive covenants on the site, which restrict, in certain areas, constructing, excavating, or placing any structure, material, personal property, or equipment, as well as installing drinking water wells on any area of the site, without prior written approval of the MPCA and Minnesota Department of Health (MDH) Commissioners. The MPCA, however, does not find the restrictive covenants to be sufficient to manage risks associated with the landfill or to protect the remedial infrastructure the state has invested. Summarily, they don't want people on the land and want this to be reflected in the City's Land Use Plan.

Price Quotes. Staff has contacted a number of surveying companies and have received quotes from three companies, which are attached and summarized below:

- E.G. Rud & Sons, Inc.: \$4,640.00
- Landmark Surveying, Inc.: \$5,500.00
- Cornerstone Land Surveying, Inc.: \$5,600.00

Next Steps. Provided Council grants approval of the requested survey, the City would proceed with the following steps:

- Process lot line adjustments/minor subdivision of PID#s 10-029-21-33-0001, 10-029-21-34-0001, and 15-292-12-10-0003. An attachment has been provided to show how the lot lines would be adjusted.
- Create a new land use category (Closed Landfill Restricted).
- Re-guide the parcel which the MPCA has designated as restricted to Closed Landfill Restricted.
- Create a new zoning district that corresponds to the Closed Landfill Restricted land use category.
- Rezone the parcel which the MPCA has designated as restricted to the newly-created corresponding zoning district.

Additional Step – Fulfilling LAWCON Grant Requirements. The subject three Parcel ID#s also received a Land and Water Conversion Fund (LAWCON) grant, which is a federal grant used for the development of outdoor recreation facilities, in 1978. The Department of Natural Resources (DNR) is responsible for tracking compliance of the conditions to which this grant was given. In 1990, the DNR determined the Washington County Landfill area was unavailable for public outdoor recreation use because of landfill remediation systems, specifically spray irrigation system. The City then began with the required conversion process to convert the land to non-recreational uses to find other land to replace it, but the City has yet to complete this process.

Provided the City approves adjusting the lot lines and re-guiding and rezoning the area that the MPCA has deemed restricted, the City will need to have the value of the restricted land assessed and replace the value of that land with other parkland within the City. Staff has obtained quotes for this assessment and has found this could cost around \$3,000.00. This can be new parkland that is acquired through a subdivision process. The DNR has indicated that until this has been corrected, they would not be able to provide additional grants, and the State could be held responsible by the National Park Service to satisfy the contract requirements.

FISCAL IMPACT:

If approved by Council, the survey could cost up to \$5,600. This cost will be taken from the general Parks and Recreation operating budget (not park dedication funds). Additionally, in order to replace the value of land to meet conditions of the LAWCON grant of 1978, the City would have to hire an assessor at the cost of approximately \$3,000 (approval of this cost is not being requested at this time). The assessed value of the restricted area parcel will then need to be replaced elsewhere in the City.

OPTIONS:

The Council may:

- Approve Staff to hire a surveyor at the cost of up to \$5,600.00 and begin processing a lot line adjustment/minor subdivision of PID#s 10-029-21-33-0001, 10-029-21-34-0001, and 15-292-12-10-0003 in order to begin the process of meeting State requirements (M.S. 115B.39-115B.45) of obtaining consistency with the MPCA's Land Use Plan for the Washington County Landfill Site as well as approve Staff to ultimately hire an assessor to assess the value of the land that has been re-guided and rezoned to a restricted landfill area at the cost of \$3,000.
- Not approve Staff to hire a surveyor to begin the process of meeting State requirements (M.S. 115B.39-115B.45) of obtaining consistency with the MPCA's Land Use Plan for the Washington County Landfill Site or an assessor to assess the value of the restricted land.
- Approve one of the two costs.

RECOMMENDATION:

Staff recommends that Council approve Staff to hire a surveyor to begin the process of a lot line adjustment/minor subdivision to create a parcel containing the Washington County Landfill restricted area as well as approve Staff to hire an assessor to assess the value of the restricted land after the land has been re-guided and rezoned as restricted.

“Move to approve Staff to hire a surveyor and assessor at the cost of up to \$8,600.00 to begin the process of a lot line adjustment/minor subdivision to create a parcel containing the Washington County Landfill restricted area as well as have the value of the land assessed.”

ATTACHMENTS:

- Closed Landfill Use Plan for Washington County Landfill (for reference)
- LAWCON Conversion Requirements (for reference)
- Proposed Boundary Lines of Washington County Restricted Landfill Area

CLOSED LANDFILL USE PLAN

WASHINGTON COUNTY LANDFILL

SEPTEMBER 17, 2013

**Minnesota Pollution
Control Agency**



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CLOSED LANDFILL USE PLAN
WASHINGTON COUNTY LANDFILL

INTRODUCTION

In 1994, the Minnesota Legislature adopted the Landfill Cleanup Act (LCA) (Minn. Stat. 115B.39 - 115B.45) which created the Closed Landfill Program (CLP). Under the CLP, the Minnesota Pollution Control Agency (MPCA) is responsible for the cleanup and long term care of 112 closed, municipal, solid waste landfills throughout the State.

The mission of the CLP is to manage the risk to public health and the environment that is associated with these landfills. Landfill gas migration and groundwater contamination can be serious issues at some landfills. These problems can pose a threat to the health and safety of those living or occupying land nearby. In addition, chemicals leaching from landfills can degrade groundwater and surface water resources surrounding them. The MPCA addresses the risk to public health and the environment at the closed landfills by undertaking cleanup actions, operating and maintaining remediation systems (engineered covers, gas-collection and groundwater-treatment systems) and by monitoring groundwater, surface water, and landfill gas.

The risk to public health and safety is also mitigated by implementing land-use controls that minimize public exposure to landfill hazards and protect the state's response action equipment. In other words, future use of land at and around closed landfills needs to be planned carefully and responsibly. Minnesota Statutes 115B.412, Subd. 9 of the LCA requires the MPCA to develop a Land Use Plan for each of these landfills and for local government units (LGUs) to make their local land use plans consistent with the MPCA's plan for the site. Minnesota Statutes 115B.412, Subd. 4 requires the MPCA to provide LGUs certain information about the landfill and to incorporate this information in to their local land use planning. These statutes are provided in Appendix A.

The MPCA considers these statutory requirements, when put together, as a Closed Landfill Use Plan (CLUP). The purpose, then, for preparing a CLUP for each landfill is to:

- protect the integrity of the landfill's remediation and monitoring systems;
- protect human health and public safety at each landfill; and
- accommodate local government needs and desires for land use at the qualified facility with consideration for health and safety requirements.

To meet the requirements of subdivision 9 of the statute, LGUs that have land-use authority must make their land-use plans for the landfill consistent with the MPCA's plan for future use of, and obligations for, the facility. One way to accomplish this is for LGUs to make certain that their land-use designations and/or zoning ordinances are compatible with the MPCA's future responsibilities and uses for the Land Management Area. To meet the requirements of subdivision 4 of the statute, LGUs must consider the information about the landfill's contamination and methane gas migration in its land-use planning and also make this information available to those that want to develop the affected property. Also, LGUs may wish to adopt certain land-use controls in order to better protect public health and safety.

SITE LOCATION AND DESCRIPTION

The Washington County Landfill (Landfill) is located in the city limits of Lake Elmo (City), Washington County, Minnesota (Appendix B). A landfill's Land Management Area (LMA) includes the property described in the Landfill Cleanup Agreement between the MPCA and the landfill owner/operator, and may include adjacent property that contains waste, adjacent buffer property (land acquired for the purpose of restricting use by the public due to landfill gas or groundwater concerns), and adjacent property where response action equipment is located. At a minimum, the LMA will be comprised of the property in the Landfill Cleanup Agreement. In addition, the LMA is the property that is subject to Minnesota Statutes 115B.412, Subd. 9 of the LCA that requires the MPCA to develop a Land Use Plan for the landfill and with which the LGU's land use plan must be consistent. The LMA for the Landfill consists of approximately 129 acres as shown in Appendix C and legally described in Appendix D. The waste footprint is about 24 acres.

The Landfill was permitted in 1969 and closed in 1975. The MPCA took over responsibility of the Landfill in 1995 when the MPCA, Washington County, Ramsey County, and the City entered into a Landfill Cleanup Agreement (LCA) and the MPCA issued the Notice of Compliance. The LMA is divided into four parcels (A, B, C, and D) in the LCA for purposes of describing certain and required remedial response actions (Appendix E shows the location of the LCA parcels). These parcels, in terms of their shape and legal description, are not necessarily the same as the parcels identified by Washington County's property records (i.e. tax parcels). Currently, LCA parcels A, C, and D are owned by the City and parcel B is owned by the State of Minnesota, MPCA.

GROUNDWATER AND METHANE GAS AREAS OF CONCERN

Groundwater Area of Concern

The Groundwater Area of Concern (GWAOC) is defined as the area of land surrounding a landfill where the presence of activities that require the use of groundwater may be impacted or precluded by contamination from the landfill, or may cause the groundwater flow direction to change thereby impacting the user or others nearby. The GWAOC is used to inform the public about the current and potential risks to users of groundwater contaminated by the landfill. In most circumstances this area is not equidistant around the site. The GWAOC is shown in Appendix F.

The surficial aquifer beneath the Landfill consists of glacial sand and gravel. Depth to the water table at the site is approximately 50 feet below the ground surface. The surficial aquifer is contaminated with perfluorochemicals (PFCs) and volatile organic compounds (VOCs) including tetrachloroethene, trichloroethene, and vinyl chloride. The plume of VOCs extends south to the railroad track that is north of Highway 5.

The groundwater area of concern around the Landfill is the Special Well Construction Area (SWCA) established by the Minnesota Department of Health (MDH). The area is defined by the environmental monitoring system that includes 40 monitoring wells and 253 residential wells. This area was expanded by MDH on March 8, 2007 in response to PFC contamination and is approximately 5.3 million square meters. The SWCA includes the plume of mounded groundwater from the Landfill that travels to the

south and southeast and the co-mingled plume to the southwest that includes a plume from the Oakdale Disposal Site through Raleigh Creek and a former plume from the Landfill that discharged to Raleigh Creek from a Tri-Lakes outlet in the early 1990s. The contaminant plume from the Oakdale Disposal Site is identified by PFOS (a type of PFC) that has impacted areas south and west of Raleigh Creek, Eagle Point Lake, the area between Eagle Point Lake and Lake Elmo that is in the Lake Elmo Park Reserve and residential developments that are south of this area to I-94. The bedrock aquifer of the Prairie du Chien and St. Peter Formation are impacted with PFCs to a depth of 200 feet below the ground surface.

Methane Gas Area of Concern

The Methane Gas Area of Concern (MGAOC) is defined as the area of land surrounding a landfill waste footprint where the presence of certain activities, such as construction of enclosed structures, may be impacted or precluded by subsurface migration of methane gas. Methane gas is an odorless gas produced when municipal solid waste decomposes, and can be explosive in confined spaces such as basements when mixed in air. The MGAOC is used to inform the public about the risks to current and future land owners regarding certain uses they may want to consider. The MGAOC is shown in Appendix G.

Soils in the vicinity of the Landfill are generally very well drained sands and gravel with some silty sand. The Landfill waste footprint is about 24 acres and contains approximately 2,000,000 cubic yards of waste. The closest enclosed structure off the LMA is approximately 350 feet west of the waste footprint.

The Landfill has been reconstructed by building a triple lined system to segregate contaminants present in the waste from direct contact with the environment. A geosynthetic cover has been installed and welded to the top of the liner to seal landfill gas and leachate in the waste mass. An active gas extraction system and a leachate collection system have been installed to manage gas and leachate.

The active gas extraction system has 20 vertical gas extraction wells connected to an enclosed blower/flare unit. There are two gas monitoring probe nests currently located on the west side of Jamaca Avenue west of the Landfill. Monitoring of these gas probes has shown non-detectable concentrations of methane before and during the Landfill reconstruction. Additional gas probes are anticipated to be installed during the latter half of 2013 to gather additional methane data.

Based on the waste being sealed within the liner/cover system, but also recognizing the permeable soils in the area, the large mass of waste present in the Landfill, and the potential for gas to migrate under seasonal low permeable (frozen) conditions, the MGAOC extends 200 feet beyond the waste footprint. The MGAOC is within the LMA property boundary except for a small area on adjacent property southeast of the Landfill.

It is important to note that these Areas of Concern can change over time. Therefore, updated information will be provided to the County when the existing information becomes obsolete or misleading.

CURRENT ZONING/LAND USE PLAN FOR THE LMA

LCA parcels A, C, and D are zoned Public and Quasi-Public Open Space (PF) while LCA parcel B is zoned Agricultural (A).

Permitted uses in the Public and Quasi-Public Open Space (PF) district include uses allowed in the zoning code that are in existence within the City at the effective date of the zoning code. Conditional uses in the PF district include: cemeteries, places of worship, government facilities, libraries and museums, public and private schools, and historic sites and interpretative centers. Interim uses in the PF district include: keeping of horses in conjunction with churches.

Permitted uses in the Agricultural (A) district include: agriculture, farm, poultry facilities, farm buildings, farm drainage and irrigation systems, forestry, one farm dwelling per 40 acres not already containing a farm or non-farm dwelling, wayside stands, and joint ownership of property or by association or rental for the purpose of providing private gardens and forest plots. Conditional uses in the A district include: greenhouses, kennels, stables, commercial recreation, agricultural service establishments, open space development projects, and non-agricultural low-impact uses. Interim uses in the A district include: agricultural sales businesses, and agricultural entertainment businesses.

DECLARATIONS OF RESTRICTIONS AND COVENANTS

Three Declarations of Restrictions and Covenants were signed by the City and one by both Washington and Ramsey Counties that restrict certain uses on the four LCA parcels. Each Declaration was recorded with the Office of the County Recorder, Washington County, on December 14, 1995. The Declarations run with the land and are described below.

Document No. 866616; prohibits the City from the following on LCA Parcel A:

- constructing, excavating, or placing any structure, material, personal property, equipment, or any other items on the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH.

Document No. 866617; prohibits Washington and Ramsey Counties from the following on LCA Parcel B:

- constructing, excavating, or placing any structure, material, personal property, or equipment on the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH.

Document No. 866618; prohibits the City from the following on LCA Parcel C:

- constructing or placing any structure on the portion of the parcel that lies south of a line that is 125 feet south of the north boundary of the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH (any approved well installation must follow Minn. Rules 4725.4450).

Document No. 866619; prohibits the City from the following on LCA Parcel D:

- constructing or placing any structure on the portion of the parcel that lies approximately within the west 200 feet of the parcel without the written approval of the Commissioner of the MPCA; and
- installing any drinking water wells on the parcel without the prior written approval of the Commissioner of the MPCA and the MDH (any approved well installation must follow Minn. Rules 4725.4450).

STATE BOND FINANCED PROPERTY

The MPCA used proceeds from the sale of State general obligation bonds for capital costs of environmental response actions that MPCA undertook at the Landfill. As a result of this expenditure of State bond proceeds, the publicly owned property where the environmental response actions were taken became “State Bond Financed Property” as that term is defined by Minn. Stat. § 16A.695. As the owner this State Bond Financed Property, the City and the MPCA are subject to the requirements of Minn. Stat. § 16A.695 and any orders or rules adopted by the Commissioner of Minnesota Management and Budget (MMB) under that statute.

Minn. Stat. § 16A.695 and the MMB Commissioner’s Fourth Amended Order Relating to the Use and Sale of State Bond Financed Property (the Order) impose certain requirements on any sale, mortgage, or other disposition of State Bond Financed Property, or any lease or contract for the use or management of the property entered into by the City or the MPCA Commissioner. The statutory requirements include, but are not limited to, obtaining the approval of the Commissioner of MMB before the City or the MPCA Commissioner enters into any such transaction (sale, lease, etc.) with respect to the property.

In order to assure that the requirements of Minn. Stat. § 16A.695 and the Order are carried out with respect to all State Bond Financed Property, the MMB Commissioner requires that a Declaration be recorded on the property records indicating that any sale of the property may be subject to the MMB Commissioner’s approval. Such Declaration, pertaining to LCA parcel B, was signed by the MPCA and filed with the Office of the County Recorder, Washington County, on February 8, 2011 as document no. 3830248. However, two other Declarations, pertaining to LCA parcels A, C, and D, were sent to the City for signature but have not yet been signed or recorded against the corresponding property.

MPCA'S LAND USE PLAN FOR THE LMA

The MPCA's first and foremost responsibility regarding the Landfill is to manage the risk to public health and safety. It does this by taking response actions, maintaining the Landfill, and working with local governments to assure land use is commensurate with landfill conditions and MPCA's obligations on the LMA, as well as the conditions on the affected land off the LMA. Therefore, land uses associated with the MPCA's obligation to protect public health and safety take precedence over other possible land uses.

The MPCA has identified land uses for the LMA. It has done so by considering the methane gas and groundwater areas of concern, the types and locations of response actions and associated equipment, the amount of the LMA occupied by landfill waste, and local land-use desires. The land uses on either the entire LMA or portions thereof that are acceptable to the MPCA are:

- Closed Landfill Management;
- Civic;
- Parks and Open Space; and
- Solar Energy Farm.

Appendices H through J show where these uses would be allowed within the LMA.

Closed Landfill Management is the use associated with the MPCA's responsibility and obligation to take necessary response actions on the property as provided in Minn. Stat. §§ 115B.39-43. Civic is the use associated with the City's need for building infrastructure related to city maintenance, fire service, public safety, etc.

DISCUSSION / CONCLUSIONS

Land Uses on the LMA

Minn. Stat. § 115B.412, Subd. 9 requires all local land-use plans be consistent with the MPCA's land-use plan for the LMA. The MPCA's future obligations for the LMA conflict with the current local land-use plan; specifically the City's Public and Quasi-Public Open Space and Agriculture zoning ordinances for this property. The MPCA believes that most of the uses within the current zoning for the LMA are not compatible with the MPCA's future responsibilities for the site as well as the risks associated with the Landfill. As a result, the MPCA recommends that the City adopt a new zoning district and ordinance for the LMA. The MPCA recommends the City adopt a zoning district called Closed Landfill Restricted (CLR) with an ordinance similar in form to the one included in Appendix K.

The new zoning, however, should reflect the land uses identified above – Closed Landfill Management, Civic, Parks and Open Space, Solar Energy Farm – and as shown in Appendices H through J. The City may want to consider Closed Landfill Management, Civic, and Parks and Open Space uses as permitted uses

for portions of the LMA while Solar Energy Farm be considered a conditional use (conditioned upon location and plans approved by the MPCA and the City).

Regardless of future land use on the LMA, provisions within the Declarations of Restrictions and Covenants prohibit the construction and placement of structures and other materials as well as the installation of drinking water wells on certain portions of the LMA without prior written approval of the MPCA and/or MDH.

Affected Property off the LMA

Minn. Stat. § 115B.412, Subd. 4(b) requires local units of government to incorporate information about the landfill and associated groundwater contamination and landfill gas migration into any land-use plans and to notify persons applying for a permit to develop affected property of the existence of this information and, on request, to provide them with the information.

Certain land-use controls pertinent to groundwater use and well construction within the GWAOC currently exist to protect public health and safety. First, Minn. Rules Chapter 4725.4450 requires that a water supply well cannot be constructed within 600 feet of the Landfill. Second, MDH has established a Special Well Construction Area south and east of the Landfill that prohibits the installation of wells in this area unless approved by MDH to be constructed in certain aquifers and following certain construction methods.

A majority of the MGAOC is contained within the LMA except for a small portion that is on adjacent property southeast of the Landfill. However, the City's existing zoning ordinance for the adjacent property, upon which the off-LMA MGAOC is present, prohibits structures from being built within 200 feet of the property line. Therefore, based on the monitoring data collected by the MPCA, no specific land-use controls are being recommended for properties outside the LMA.

DISCLAIMER

The MPCA makes no representations or warranties to the user of the accuracy, currency, suitability, or reliability of the data presented in this report. Any recommendations made by the MPCA in this report are based solely on the data it has, or its contractors have, collected, and only from data collected at specific locations and times. Other sources of contamination or methane, unknown to the MPCA, could exist off the Landfill property. The MPCA recommends that any person interested in developing property near the Landfill first consult with an environmental consulting or engineering firm, and/or an environmental attorney, regarding the possible risks associated with the Landfill.

APPENDIX A

Minnesota Statutes 115B.412

Subd. 4. Affected real property; notice.

(a) The commissioner shall provide to affected local government units, to be available as public information, and shall make available to others, on request, a description of the real property described in the original and any revised permits for a qualified facility, along with a description of activities that will be or have been taken on the property under sections 115B.39 to 115B.43 and a reasonably accurate description of the types, locations, and potential movement of hazardous substances, pollutants and contaminants, or decomposition gases related to the facility. The commissioner shall provide and make this information available at the time the facility is placed on the priority list under section 115B.40, subdivision 2; shall revise, provide, and make the information available when response actions, other than long-term maintenance actions, have been completed; and shall revise the information over time if significant changes occur that make the information obsolete or misleading.

(b) A local government unit that receives information from the commissioner under paragraph (a) shall incorporate that information in any land use plan that includes the affected property and shall notify any person who applies for a permit related to development of the affected property of the existence of the information and, on request, provide a copy of the information.

Subd. 9. Land management plans.

The commissioner shall develop a land use plan for each qualified facility. All local land use plans must be consistent with a land use plan developed under this subdivision. Plans developed under this subdivision must include provisions to prevent any use that disturbs the integrity of the final cover, liners, any other components of any containment system, or the function of any monitoring systems unless the commissioner finds that the disturbance:

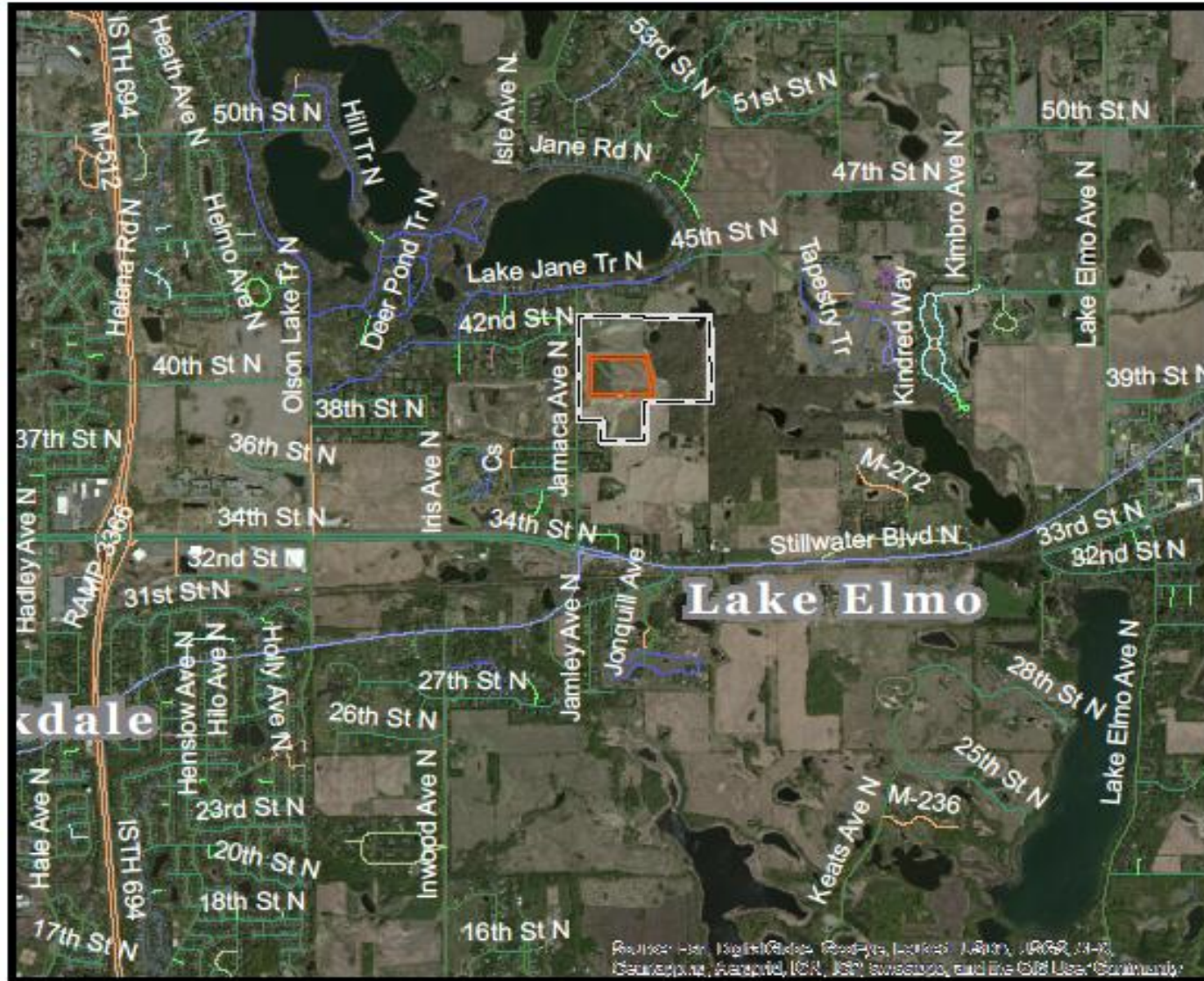
(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

Before completing any plan under this subdivision, the commissioner shall consult with the commissioner of management and budget regarding any restrictions that the commissioner of management and budget deems necessary on the disposition of property resulting from the use of bond proceeds to pay for response actions on the property, and shall incorporate the restrictions in the plan.

Appendix B: Site Location Map

WASHINGTON COUNTY LANDFILL



Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features

Legend

- Land Management Area
- Waste Footprint



1:37,266
Created June 14, 2013

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose.



Appendix C: Land Management Area

WASHINGTON COUNTY LANDFILL



Minnesota Pollution
Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features

Legend

-  LandManagementArea
-  Waste Footprint



Source: Esri, DigitalGlobe, GeoEye, AeroGRID, IGN, USGS, USDA,
SwireVision, AeroGRID, IGN, USGS, GeoEye, and the U.S. Department of the Interior

1:6,211
Created June 14, 2013

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose.



APPENDIX D

Legal Description of the Washington County Landfill Land Management Area (LCA Parcels)

Parcel A:

All that part of the South 40 acres of Government Lot 5, Section 10, and the Southeast Quarter of the Southwest Quarter of Section 10, and the North 30 acres of the North One-Half of the Northwest Quarter of Section 15, all in Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Beginning at the northwest corner of said Section 15, thence South 00 degrees, 18 minutes, 30 seconds West, bearings are based on the Washington County Coordinate System NAD83, along the west line of said Section 15, a distance of 501.27 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence North 89 degrees, 51 minutes, 00 seconds East, along said south line, a distance of 1808.59 feet, thence North 00 degrees, 02 minutes, 32 seconds West and parallel with the east line of said Northwest Quarter of Section 15, a distance of 501.26 feet to the north line of said Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said north line a distance of 105.52 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 650.00 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the south line of said Section 10, a distance of 200.00 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 656.24 feet, to a point on the north line of said Southeast Quarter of the Southwest Quarter of Section 10, thence South 89 degrees, 45 minutes, 24 seconds West, along said north line, a distance of 193.17 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter, thence North 00 degrees, 42 minutes, 39 seconds West, along the east line of said Government Lot 5, a distance of 29.52 feet to the northeast corner of said South 40 acres of Government Lot 5, thence South 89 degrees, 51 minutes, 00 seconds West, along the north line of said South 40 of Government Lot 5, a distance of 706.92 feet, thence South 00 degrees, 53 minutes, 21 seconds East and parallel with the west line of said Section 10, a distance of 200.00 feet, thence South 50 degrees, 54 minutes, 08 seconds West, a distance of 127.25 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the north line of said South 40 acres of Government Lot 5, a distance of 500.00 feet to the west line of said Section 10, thence South 00 degrees, 53 minutes, 21 seconds East along the west line of said Section 10, a distance of 1055.45 feet to the point of beginning, containing 65.9 acres, more or less.

Parcel B:

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 15, Township 29, Range 21, except the following described parcels: EXCEPTION 1: The North 501.5 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 29 North, Range 21 West, being the northerly 15 acres thereof. EXCEPTION 2: The North 220.0 feet of the South 396.00 feet of the West 330.00 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 29 North, Range 21 West, containing 1.33 acres, more or less. All subject to a road easement for Jamaca Avenue over the West 33.00 feet thereof. EXCEPTION 3: The South 176.00 feet of the west 330.00 feet of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 15 (15), Township Twenty-nine (29) North, Range Twenty-one (21) West, containing 1.33 acres, more or less.

Parcel C:

All that part of the South 40 acres of Government Lot 5, Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 10, thence North 00 degrees, 53 minutes, 21 seconds West along the west line of said Section 10, a distance of 1055.45 feet to the point of beginning, thence continuing North 00 degrees, 53 minutes, 21 seconds West along the west line of said Section 10, a distance of 280.00 feet to the northwest corner of said South 40 acres of Government Lot 5, thence North 89 degrees, 51 minutes, 00 seconds East along the north line of said South 40 acres of Government Lot 5, a distance of 600.00 feet, thence South 00 degrees, 53 minutes, 21 seconds East and parallel with the west line of said Section 10, a distance of 200.00 feet, thence South 50 degrees, 54 minutes, 08 seconds West, a distance of 127.25 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the north line of said South 40 acres of Government Lot 5, a distance of 500.00 feet to the point of beginning, containing 3.8 acres, more or less.

Parcel D:

All that part of the Southeast Quarter of the Southwest Quarter of Section 10, and the North 30 acres of the North One-Half of the Northwest Quarter of Section 15, all in Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commencing at the northwest corner of said Section 15, thence South 00 degrees, 18 minutes, 30 seconds West, bearings are based on the Washington County Coordinate System NAD83, along the west line of said Section 15, a distance of 501.27 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence North 89 degrees, 51 minutes, 00 seconds East, along said south line, a distance of 1808.59 feet to the point of beginning, thence North 00 degrees, 02 minutes, 32 seconds West and parallel with the east line of said Northwest Quarter of Section 15, a distance of 501.26 feet to the north line of said Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said north line a distance of 105.52 feet, thence North 00 degrees, 53 minutes 21 seconds West and parallel with the west line of said Section 10, a distance of 650.00 feet, thence South 89 degrees, 51 minutes, 00 seconds West and parallel with the south line of said Section 10, a distance of 200.00 feet, thence North 00 degrees, 53 minutes, 21 seconds West and parallel with the west line of said Section 10, a distance of 656.24 feet, to a point on the north line of said Southeast Quarter of the Southwest Quarter of Section 10, thence North 89 degrees, 45 minutes, 24 seconds East along said north line, a distance of 1113.64 feet to the northeast corner of said Southeast Quarter of the Southwest Quarter, thence South 00 degrees, 31 minutes, 57 seconds East, along the east line of said Southeast Quarter of the Southwest Quarter a distance of 1307.98 feet to the southeast corner of said Southeast Quarter of the Southwest Quarter, thence South 00 degrees, 02 minutes, 32 seconds East, along the east line of said Northwest Quarter of Section 15 a distance of 501.26 feet to the south line of said North 30 acres of the North One-Half of the Northwest Quarter of Section 15, thence South 89 degrees, 51 minutes, 00 seconds West, along said south line, a distance of 800.00 feet to the point of beginning, containing 39.5 acres, more or less.

Appendix E: LCA Parcels

WASHINGTON COUNTY LANDFILL



Source: Aerial Imagery, USGS, USGS, D-4, Satellite, Aerial, USGS, USGS, and the USGS User Community



**Minnesota Pollution
Control Agency**

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features

Legend

 LandManagementArea

1:5,695

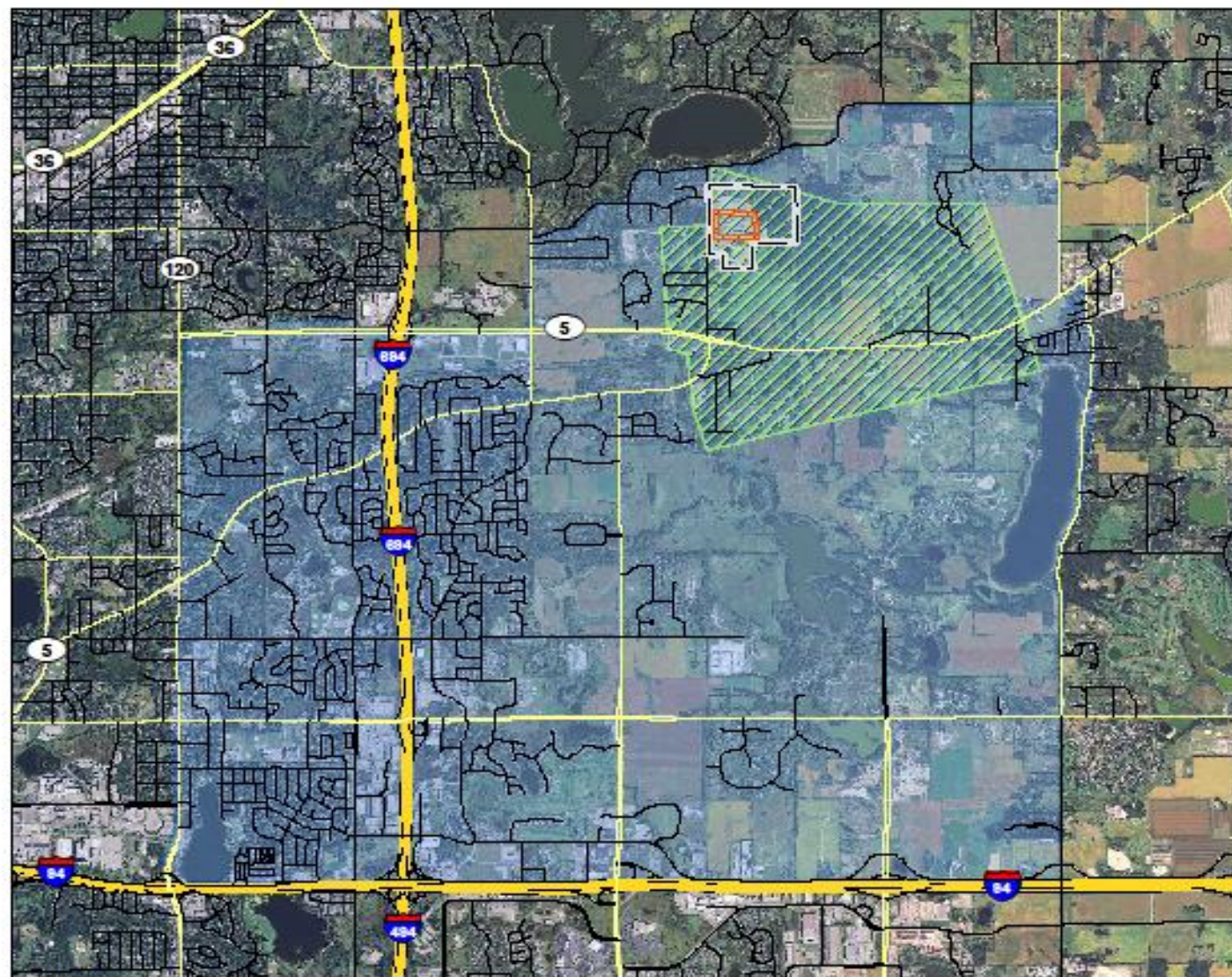
Created June 19, 2013

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose.



Appendix F: GWAOC

WASHINGTON COUNTY LANDFILL



DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/19/2013 by CLP Hydrogeologist Ingrid Verhagen

1:58,190
Meters 0 790 1,580 2,370
Feet 0 1,900 3,800 5,700



Minnesota Pollution Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features



Waste Footprint



Land Management Area

Designates the property that is under the responsibility and control of the MPCA.



Groundwater Plume

Approximate area of the subterranean contaminated groundwater plume.



Groundwater Area of Concern

An area where the groundwater may be affected by landfill contamination.



Appendix G: MGAOC

WASHINGTON COUNTY LANDFILL



Minnesota Pollution
Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features



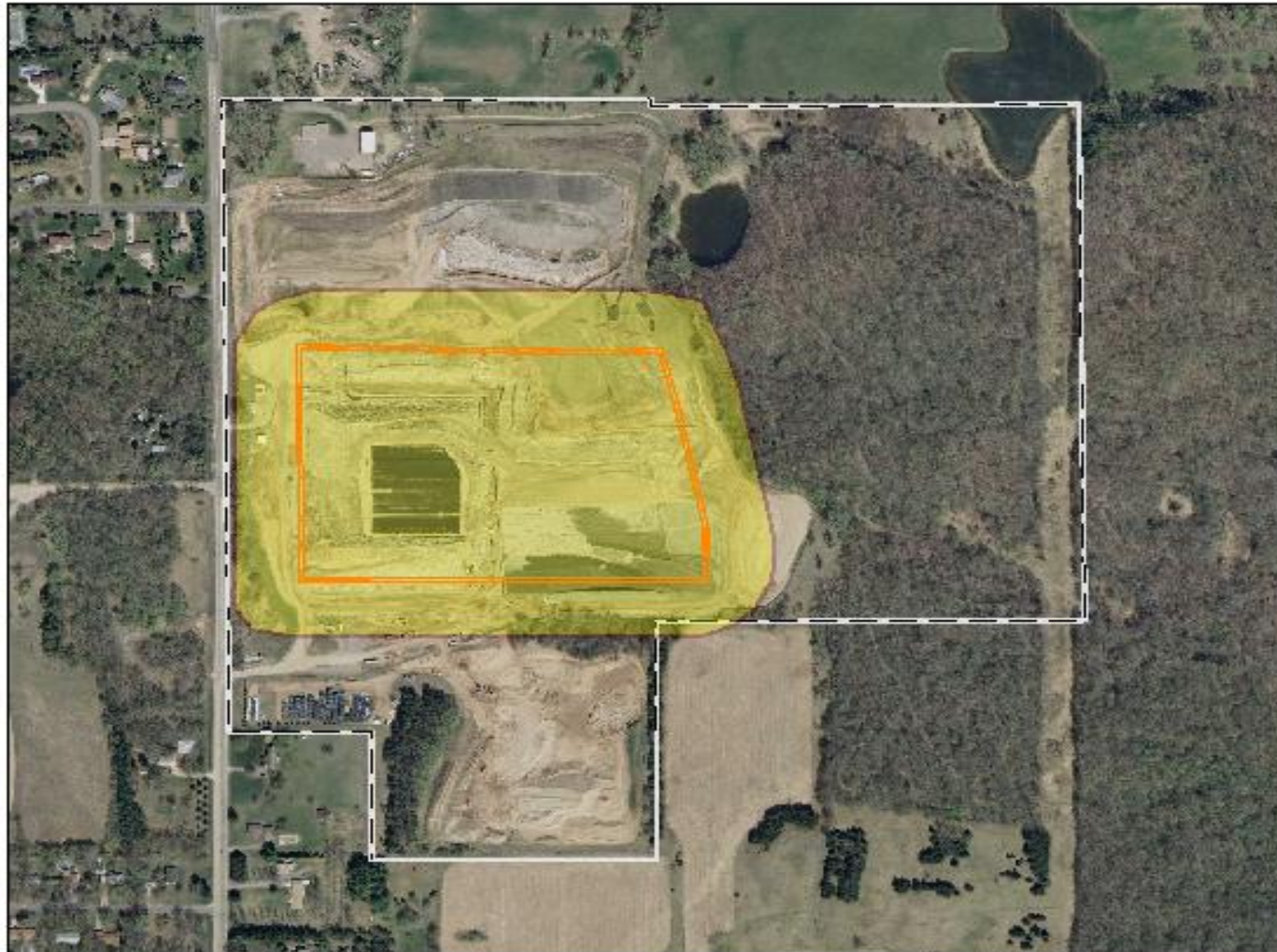
Waste Footprint



Land Management Area
*Designates the property that
is under the responsibility
and control of the MPCA.*



Methane Area of Concern
*Area surrounding the landfill
that may be impacted by
subsurface migration of
methane gas.*



DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/19/2013 by CLP Engineer Peter Tiffany

Meters 0 80 160 240
1:6,180 Feet 0 280 560 840

Appendix H: Closed landfill Management Use

WASHINGTON CO. LANDFILL



Minnesota Pollution
Control Agency

Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features



Landfill Management Use



Waste Footprint



Land Management Area
*Designates the property that
is under the responsibility
and control of the MPCA.*



DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/20/2013 by CLP Engineer Peter Tiffany
 Meters 0 80 160 240
 Feet 0 280 560 840
 1:6,170

Appendix I: Civic and Park & Open Space Use

WASHINGTON CO. LANDFILL



**Minnesota Pollution
Control Agency**


Site Contacts

Land Manager: Shawn Ruotsinoja

Engineer: Peter Tiffany


Hydrogeologist: Joe Julik

Site Features

 **Parks and Open Space**

 **Civic Use**

 **Waste Footprint**

 **Land Management Area**
*Designates the property that
is under the responsibility
and control of the MPCA.*

DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/20/2013 by CLP Engineer Peter Tiffany
Meters 0 80 160 240
1:6,170 Feet 0 280 560 840



Appendix J: Solar Energy Farm Use

WASHINGTON CO. LANDFILL



Minnesota Pollution
Control Agency


Site Contacts

Land Manager: Shawn Ruotsinoja


Engineer: Peter Tiffany

Hydrogeologist: Joe Julik

Site Features

 Solar Energy Farm

 Waste Footprint

 Land Management Area
*Designates the property that
is under the responsibility
and control of the MPCA.*



DISCLAIMER: The State of Minnesota makes no representations or warranties to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. This map depicts a reasonable approximation of impacts from the landfill only and makes no inference about impacts from other potential sources.

Created 6/20/2013 by CLP Engineer Peter Tiffany
Meters 0 80 160 240
1:6,180 Feet 0 280 560 840

APPENDIX K

District CLR – Closed Landfill Restricted

A. Purpose

The Closed Landfill Restricted (CLR) District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA. This district shall apply whether the landfill is in public (MPCA, County, City, Township), Indian tribal, or private ownership.

For purposes of this ordinance, the Land Management Area for the _____ Landfill, a qualified facility under the MPCA's Closed Landfill Program, is described as:

B. Permitted Uses

The following uses are permitted within the CLR District: _____.

C. Accessory Uses

Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates shall apply under these provisions.

D. Conditional Uses

Conditional uses shall be limited to uses that do not damage the integrity of the Land Management Area and that continue to protect any person from hazards associated with the landfill.

Any application for a conditional use must be approved by the Commissioner of the MPCA and the ____ (LGU) _____. Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions.

The following conditional uses are permitted within the CLR District:

E. Prohibited Uses and Structures

All other uses and structures not specifically allowed as conditional uses, or that cannot be considered as accessory uses, shall be prohibited in the CLR District.

F. General Regulations

Requirements for (parking, signs, area, height) and other regulations are set forth in _____.

G. Any amendment to this ordinance must be approved by the Commissioner of the MPCA and the (LGU).



Conversions of Use – Guidelines and Requirements

Grant agreements between the Local Sponsor and the State require land developed, improved, or acquired with Land and Water Conservation Fund (LWCF) and/or state assistance to be retained and used for public outdoor recreation. Any property so acquired and/or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the State and/or National Park Service (NPS) pursuant to Section 6(f)(3) of the LWCF Act and these regulations. The conversion provisions of Section 6(f)(3), 36 CFR Part 59, and these guidelines apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the grant agreement between NPS and the State.

This requirement applies to the area described in the project documentation approved by the State and/or the NPS. This area normally exceeds that actually receiving State and/or LWCF assistance so as to ensure the protection of a viable recreation entity.

Local sponsors must consult early with the State manager when a conversion is under consideration or has been discovered. Any previous project agreements and actions must be identified and understood to determine the actual boundary subject to the grant agreement. The State and/or the NPS Regional Director have the authority to disapprove conversion requests and/or to reject proposed property substitutions. This approval is a discretionary action and should not be considered a right of the project sponsor.

Situations that trigger a conversion include:

- a. Property interests are conveyed for private use or non-public outdoor recreation uses.
- b. Non-outdoor recreation uses (public or private) are made of the project area, or a portion thereof, including those occurring on pre-existing rights-of-way and easements, or by a lessor.
- c. Unallowable indoor facilities are developed within the project area without NPS approval, such as unauthorized public facilities and sheltering of an outdoor facility.
- d. Public outdoor recreation use of property acquired or developed with LWCF assistance is terminated.

To Request Approval for a Conversion: Formal requests from the project sponsor for permission to convert LWCF and/or state assisted properties in whole or in part to other than public outdoor recreation uses must be submitted in writing.

1. Submit a narrative description of the proposal that identifies all practical alternatives have been evaluated and rejected on a sound basis. The “do nothing” alternative must be considered. Minnesota typically processes only a couple of conversions each year, usually for road improvements undertaken to improve safety. Proposals to construct non-recreation facilities such as cell phone towers or to convey an interest in the property to a private party generally do not qualify, as there are usually practical alternatives available. Do not continue with the conversion process until this step has been approved by the State.

2. If approved to move forward with the conversion process, a critical first step is for the State and Local sponsor to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity. The area required for the conversion could include the entire park depending on the impact of the proposed facility and/or could include a minimum of all impacted land, buffer areas, any facility access, land cut off from the remaining park area and possible visual and/or noise impacts.
3. The next step is to identify the proposed replacement land to be acquired. The replacement land must be an addition to an existing facility or, if a new facility, constitute a viable, self-supporting unit of outdoor recreation. The grants manager must approve the extent of the conversion and the suitability of the replacement lands before continuing with the conversion process.
4. Information to be submitted with a conversion request:
 - a. Boundary maps of both the converted site and the proposed replacement land. These maps must include references to known landmarks, a north arrow, acreages, a graphic scale, the date of preparation, and the signature of the Local Sponsor. The map of the replacement land should also indicate planned recreation development and a proposed timeline for that development.
 - b. Appraisals and Appraisal Reviews - Fair market valuation of both the converted and replacement lands. Appraisals for a federal conversion request must be prepared in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions and be reviewed by a qualified review appraiser. Appraisals for a state conversion request must be prepared in conformance with the Uniform Standards for Professional Appraisal Practice (USPAP). The grants manager will be able to give you guidance on making the appraisal assignments.
 - c. Environmental documentation - An environmental assessment must be prepared in accordance with the National Environmental Policy Act (NEPA) and/or state guidelines for both the property to be converted and the proposed replacement land. Additional information will be provided by the grants manager.
 - d. Historical / Archeological Review and Coordination - The [State Historic Preservation Office \(SHPO\)](#) must be afforded a chance to comment on the conversion proposal pursuant to Section 106 of the National Historic Preservation Act of 1966 and/or Minnesota statutes. The SHPO must be contacted and provided information about the proposal. If the SHPO recommends a survey of the land be completed, the proposer must contract with a qualified firm to complete it and coordinate with the SHPO on any actions that must be taken to protect archeological / historical resources on the property.

If the conversion request is approved, the original grant agreement between the State and the Local Sponsor will be amended to delete the converted lands and add the replacement lands to the project boundary subject to the grant agreement.

