

PUBLIC HEARING
Grand Forks Proposed Municipal Solid Waste Landfill Permit
December 18, 2008 - 10:07 a.m.
Alerus Center, Grand Forks, North Dakota

My name is **Scott Radig**, I am the Director for the North Dakota Department of Health, Division of Waste Management, and I will be acting as hearing officer for this public hearing. I'll start off with a statement to explain how the process will work and go through with you a few information items and then we'll get started.

It is now 10:07a.m. on December 18, 2008, at the Alerus Center in Grand Forks, North Dakota. At this time, I open this hearing.

This public hearing has been called for the purpose of allowing all interested individuals an opportunity to submit information and comments concerning the proposed Grand Forks Municipal Solid Waste Permit, pursuant to North Dakota Century Code, Chapter 23-29, Solid Waste Management and Land Protection Act, and North Dakota Administrative Code, Article 33-20, Solid Waste Management Rules.

Due to all the interest that has been expressed, the Department will extend the public comment period until February 4, 2009. In addition to this hearing, another public hearing will also be conducted on Monday, February 2, 2009, and it was requested that it be an evening meeting, so it will start at 5:30 p.m. If adverse weather forces cancellation at that time, the hearing will be rescheduled to Wednesday, February 4, 2009, at 5:30 p.m. That hearing will be here at the Alerus Center, although it may not be in this exact room.

This hearing is being conducted according to the Health Department's procedures for hearings on proposed permits. It is not an adjudicated proceeding under Century Code Chapter 28-32. A list of all the documents and resources used by the Department to make a preliminary determination to write a draft permit is available in the back at the information table.

Information gathered at this hearing will be used by the North Dakota Department of Health for its deliberation and final decision. Persons providing information and comments today will not be cross-examined and the Department will not be responding to comments at this hearing. The comments received today will be considered with any written comments that are received and the Division of Waste Management will present its consideration of all the comments in writing. You may request a copy of the written consideration of comments and one will be provided to you and there is a sign-up sheet at the back table if you would like to receive a copy of the written response to all the comments.

After considering all the comments, the Division of Waste Management will make the recommendation of the draft permit and that recommendation will be to either approve the permit as proposed, or approve the permit with modifications based on the comments received, or to deny the permit. That recommendation will be submitted to the state health officer, who will review the record, he will verify that state law has been followed and he will make the final decision of the final permit application.

Everyone present will be given the opportunity to speak. This hearing is being taped and we ask that everyone use the microphone at the podium, so that the tape will be good quality for

transcribing. Please identify yourself for the record before you begin with your comments, and sign the registration sheet that is at the podium by the microphone.

If you have a prepared written statement, we would appreciate receiving a written copy of that statement. It would be very helpful to be put into the record. Also, in order to save time, if someone has previously made the same comments that you were going to make, it is not necessary to state them again into the record.

Also, if you have made comments today, it is not necessary to appear again to appear on February 2, 2009, to make the same comments. As long as they are in the record, they will be addressed.

I'd like to remind you now that comments related to the zoning issues and decisions are outside the regulatory authority of the health department and they are not within the scope of this hearing. So at this point, I would like to open the hearing for any and all information and comments on the draft permit. As you'd like, feel free to step forward and present your comments and opinions and we will take those down. (End)

1st speaker: I've got to go to another meeting so I'm going to take advantage of everybody else being a little slow at the draw here:

My name is Barry Wilfred, I'm the president of the Chamber of Commerce for Grand Forks and East Grand Forks, and the landfill as proposed exceeds all the state's standards and we as a business community concur with the findings and from a business community's perspective, we encourage you to issue the permit. Thank you. (End)

Speaker Radig: Thank you. (Pause.) I know there's more comments. (End)

2nd speaker: My name is Dick Grassel. I'm the president of the East Grand Forks City (EGF) Council. I'm sure that right off the bat people are wondering why I'm here from the EGF. We've been a customer of the city of Grand Forks' landfill for 48 years. When we closed our landfill in EGF in 1960, we came to Grand Forks.

There's been an ordinance passed in GF that the EGF would not be charged any higher tipping fees than what they're charging in GF. If we were to...and they say why don't we go somewhere else, and granted we could go . . . we could go to Fosston, to Mar-Kit, and to Gwinner. And of course every time you move out farther, it's a higher cost. If you've read the paper, watched TV, Minnesota is not in a very good financial state right now and we're looking in EGF to do a lot of cuts.

We partner with Grand Forks on another number of issues. We do it with the police, if we need extra police or if there's problems with fire, we do it with that. We also partner with them on the water. Grand Forks approximately draws about 40 percent of their water off the Red Lake River out of EGF. So we do a lot of "partnering" with them, and I'm here to support Grand Forks on the landfill and it would be very difficult for some of our citizens when we have to start to raise the tipping fees and travel out farther to get rid of the refuse. So we're here in support of the landfill and we really support that, so thank you. (End)

3rd speaker: Good morning, my name is **Frank Matejcek**. I live at 4150 Columbia Road North. I'm a resident in Falconer Township and I'm also representing the Falconer Township Board with some of our concerns that we'd either like to have addressed...or I don't know if they're pertinent to your group or not, it's not about zoning so we won't talk about that.

First of all Falconer Township has a full mile, half of the road on the east side of the proposed landfill. So we're concerned about the traffic, who's going to take care of the road, the impacts of the road, water runoff on that road, the drainage out there isn't very good, so that's one of our concerns.

By the way, I want to thank you for having a second hearing, because it's going to give us some more time to look at some of these issues and either get the questions answered before or whatever, so we appreciate that.

Another concern I have is that we have over 100 residents which are within a half mile to three quarters of a mile, and they're basically in Falconer Township. The city has decided to buy out the residents that live in Rye Township that are adjacent to the landfill, however, we still have a lot of residents that are out there that are very concerned about their property values, they're concerned about the possibility of litter blowing around, concerned about the noises with the bird apparatus that are going to happen.

We're also concerned about the runoff and drainage because it hasn't been that good to start with. So we're very concerned about that, and also if there's any odor or other problems that come along with it.

The city has put together a pretty nice plan of a "good neighbor policy" and if the city does everything in the good neighbor policy and the landfill was to go in, it would be helpful; however, this good neighbor policy – nothing has been done legally or binding. And I don't know if you have anything to do with that or not if the landfill goes through. But it is necessary to have a good neighbor policy I think if this happens. Thank you. (End)

Speaker Radig: Thank you.

3rd speaker Matejcek: "We're we supposed to sign here?" (Signs name/End)

Speaker Radig: Please do.

4th speaker: Good morning.

Speaker Radig: Good morning.

4th speaker: You look familiar. I talked to you at the open house that they had. I was the one that was saying you guys are understaffed, do you need more help? Okay, my name is **Marilyn Gregoire**, a Grand Forks County rural resident. I am here to represent the many dozens, hundreds and thousands of people who are hard at work right now. I just came over to take a long lunch myself. Luckily, I have an understanding boss, but the time that this meeting is scheduled precludes many good people from attending. Rest assured that the public outcry would be much louder today if it were scheduled for the evening.

“The public.” That’s an overused term that few really consider. When I think of the public, I think of crowds at ball games or shopping malls. But you, with your job, you must have a very different view of the public. In your job you’re sworn to protect the public. There is a group that needs your help. We live in Northeast North Dakota where a new landfill is planned. A landfill that will take in trash from several counties around. They, who plan this landfill, are ignoring the modern technology and prefer to send recycling and composting so that their undivided tonnage will add to their profits. Profits. Yes, I said profits.

We need to be protected from seven greedy men who will change their zoning to make their landfill a permitted use right outside the city limits of a major North Dakota city, disregarding geology, hydrology or common sense. We who raise our voices against the city of Grand Forks are muzzled time and again, and so the public, being North Dakota citizens, are just as vulnerable as the little ladies at the mismanaged nursing homes and the little children at the hands of their over-stressed daycare providers. Our voice is being muzzled through politics. Now I know that we are not here to discuss zoning, that’s for the politicians and your scientists. Right? We are here to talk about the landfill permit application. That application is lengthy and as detailed as it is, it is undoubtedly my opinion, “peppered with fiction” among their facts.

The Grand Forks city councilmen and their colleagues have been misleading the public. Here’s just one example, one of many:

The citizens of Grand Forks have been told that there is a willing seller in Rye Township, Section 13. There is not. Those individuals have an attorney and the attorney has heard once from the city that the city is interested. But there have been no negotiations, and those landowners are not willing sellers. It sounds like they’re going to use them in a domain to me. The public is being misled. These seven men who smiled and conjured (word unclear) their way into office, are misleading those they serve. Oh, but I guess that’s just what politicians do and you’ll have to excuse my sarcasm. It’s gotten a little tainted about politics since this whole thing started.

The 13 pages that the permit application is printed on should be recycled. It’s far too full of fiction among the facts. Don’t be fooled. You’ve been asked to protect the health and welfare of the public of our state. So, I’m wondering, do you recall the day that you landed your first job at the department of health? Do you remember how pumped you were to be asked to take on such an honorable job? We the citizens of Northeast North Dakota rely on you to keep taking that responsibility seriously every day, even though politics keeps trying to creep into your job. Help us. Recycle that application and make the city of Grand Forks do it right. Reduce, reuse, recycle. Let’s bring our state into the 21st century. Landfills are so 18th Century, we don’t need to have such a large landfill like they’re planning. We’ve come a long way and there’s much good that can be done. Thank you. (End)

Speaker Radig: Thank you.

5th speaker: That’s a hard act to follow. I’m **Linda Romuld**. I live at 1355 23rd Avenue NE, Grand Forks. I have concerns about this landfill and a little bit nervous being up here because this is such an important thing, not just for today, I’m concerned about the future, what those lumps of bails will do sitting in that landfill for generations to come, sitting there, not doing anything, never recycled.

It was brought up earlier by the gentleman from East GF, the use of the Fosston site, which is admirable. They take the waste recycled, reused, and only put about 12 percent, as I understand, in the land. Why can't we do something like that? We have an opportunity now, as Marilyn said, to do it right. I think we need to investigate that and do it right, and with your help by not allowing this permit to go ahead, is our salvation to do it right to help out our next generations. I guess that's all I have to say and I appreciate your consideration. Thank you.(End)

6th speaker: I'm **Richard Gross** from southwest of the city, Ellendale Township. I have heard it said, and I don't know if it's true or not, that the old landfill has failed. That it's leaching, or leaking. I'm assuming it's not true because if it was, I would assume the EPA or somebody would be doing some digging because I'm assuming what would be in the landfill is worse than what might be in a gasoline truck or an oil pipe leak. So assuming the old landfill is sound, I have a simple question and I cannot get an answer. I ask it and I get rolled eyeballs or that's a stupid question type of thing. If the reason for moving the landfill or building a new one is birds. The old landfill is alongside the new runway. The new landfill will be at the end of the new runway. So the planes to avoid going over the city will be flying over the runway. But the city assures that there will be no birds at the new landfill because the garbage will be bailed and bagged. That will be done at the old landfill as I looked at the application. So my question is, if that takes care of the birds, and if the old landfill is sound, than why not bury it there? Why contaminate a new section of land, of good agricultural land? It may be a stupid question, but I have not been able to find an answer to that. It (which?) seems so obvious to me.

Secondly, we know that there is contamination and toxic stuff that goes into a dump, into every dump. Just one example. Last time I bought a fluorescent light bulbs I used in my basement, 4-foot tubes, and I asked the man at the local retail store here, if there was a way, I have about 6-8 of them in my basement, if there was a way that I could dispose of them. And he looked at me, and said there's a dumpster out back. And I looked at his ceiling and asked is that where all those go? And he said, well yeah. On the way home, I got to thinking of all those florescent light bulbs in the city, in the county, in the state, and what I've learned those florescent light bulbs contain mercury and gases that are released when they are broken and harm the ozone and it started bugging me.

When I got home, I called the Grand Forks Landfill, and the lady answered when I asked the same question "I have some light bulbs, what's the best way to get rid of them?" And she said and I quote "Why don't you do what everybody else does and put them in the dumpster." And I said "Aren't they harmful to the environment." And she said "There's no law against it." And I said "Maybe there should be." And she said "Call your legislator." That's a quote.

Now that bothers me. Unless I'm wrong, I think florescent light bulbs are harmful to the environment. Do we need to wait or do we need to create, with a new administration, a whole new legal thing of what or what can't go into our dumps. Or can we figure that out for ourselves. The law can tell us what we have a right to do or not a right to do. But it is ethics that tells us what is the right thing to do. Any maybe if we can't do it ourselves, maybe I will have to call Dorgan and Conrad and the guys in Washington, and see what we can do legislatively to create laws to protect our environment. And we can get some trash police and a whole new bureaucracy. I think somehow if this permit is granted, you know somebody said we are at a real opportune time here, and these things are coming down the plank, but do we have to wait for the law? Or can we, on our own, do what is right.

And finally, and I might be repeating, but in this 21st century there are all kinds of technology available, you know from time in memorial, people dug holes in the edge of town, dumped their garbage, started a fire once in awhile...fortunately that's not allowed anymore so we cover it with dirt.

But we have new technology, there was an outfit from California who offered to take over the land site, build a building, and where all the waste would be brought and they would recycle. They would recycle. I thought, man, economically that sounded good to me and certainly ecologically it sounded good to me. There may be a good reason for rejecting that, I don't know, it's hard to find out. Whatever happened to that proposal? Was it (tabled - word unclear)? Why? That's part of the problem the lack of communication, the stonewalling. We haven't had a public discussion of any of this and I think we deserve that. It's our birth. It's our ecology. It's a city landfill so therefore the rest of us have no say, no input, nothing except to cooperate – after all we're doing you a favor – why don't you cooperate? And cooperate I think means, shut up and go away. My understanding of the word cooperate is to work together. That's the meaning of the word – c o operate. That's not happened.

So if it's a regional – but I guess it's not, it's a municipal, a city landfill. But if it was for the region it would have been nice if somewhere the “region” could have had a say and been involved in this whole process. Thank you very much. (End)

7th speaker: My name is Scott Roche and I'm a business person here in Grand Forks and I've been watching the dialog on both sides of this issue and being a lifelong resident of Grand Forks I've known all my life I think that they've been looking for a new landfill position. And what they're trying to do is find the least intrusive possibility to locate such a landfill, and I think I just have to trust the experts analyses that in fact is the case. It's least intrusive for most of the people. For the ones involved it is, I'm sure, seems the most intrusive; however, with the location that I agree with, we still need to continue to work toward the other disposal techniques. The pelletizing, the additional recycling, and the need to avoid a situation with a landfill in the middle of town like Fargo in that big pile in the middle of town. I think that detracts from tourism, and detracts from business location expansion. In a town area, if you're driving by a landfill every day, that's not very attractive.

The risk reward of living near a big city, sometimes it's a risk, sometimes it's a reward. Your area may be intruded (?) upon by the city in the area. And this is one of those cases. All of us affected in a township need to have a place for refuse, we can't be allowed to use ancient burn/burial technology or anything like that – we need to upgrade and move toward additional recycling, pelletizing and of course we need the landfill. Thank you. (End)

Speaker Radig: Thank you.

8th speaker: Good morning, I'm **Hal Rugroden**. I live seven tenths of a mile north of the proposed site, and I think Frank Matejcek pretty well covered everything I need to say. I just need to reiterate I'm concerned the increased truck traffic, garbage, and everything else that goes with a dump. I already see what goes alongside with a dump. Last year deer season, we got six deer carcasses dumped within a quarter mile in front of my house. I have a couple of dogs that happened to find them and that was spendy at the veterinarian, but I think everything's pretty well covered, and recovered and recovered.

The value of my property right now, I don't have much incentive, I need upkeep and there's updates I'd like to do to my house, but the incentive just isn't there. I have three grandchildren, one, three, and four-year-olds, and I'm 100 feet from the road. We have trucks going up and down this road, 50-60 miles an hour. I don't know, there's better places they can put it. You hear of all the alkaline (unclear) land west of town, and the "I don't want it in my back yard thing." Unfortunately, it's in my back yard. I'm this far away from where the people who are going to get compensated, I think they're 200 feet closer, so they're in a position where they can get bought out. I'm not. I have to eat it. And it's the same old – like the gentlemen said, shut up and take it and go home and be quite. It's all been said and thank you for your time. (End)

Speaker Radig: Thank you.

9th speaker: Hi, I'm Shirley Meagher, and I live at 8796 70th Avenue North on the road the proposed landfill would be, but I'm not where the zoning is, but it is on that road. When Mr. Matejcek spoke, I really respected what he had to say because it's not only the problem of the proposed landfill, there's a lot of safety issues in that area. I realize we all need a place to put our garbage, I have garbage, you have garbage. I'm not even worried about what our home is worth, as you get older you don't worry about that kind of stuff anymore. I worry about safety, I care about other people and there is a lot on safety issues that has been out there for many years and one of them is that road. I have discussed this many times with our township supervisors, I've discussed this with our county commissioners. And to me I feel now as years went by they just look at me like I'm some sort of a disease because of that. But we've been out there almost going on 30-some years, 48 years and this has been an ongoing issue. We have no speed -- we have a sign at the end of the road that says "40" for children, but we have a lot of trucks, semi trucks and things that go by our road at high speed, so if we get that many garbage trucks and there's no speed limit and the road is not maintained, there's going to be a lot of bad things happening out there. Because there already is and has been over the years and like Mr. Matejcek said, one of them is water drainage. One end of our road is wide, the other end small coming out of our place to meet people, passing people, so you know if you get one garbage truck and one semi at high speed and I have grandchildren coming out to visit also.

Just a couple weeks ago we had an incident where our neighbor's dog, my husband and I were sitting in our kitchen, a semi come by and hit the dog and we heard it when it hit the dog, and the semi kept going and my son run out there and the dog was laying, trying to move its body in the ditch on the ice. And it was the child's first pet and it was left there. I know animals that have been flattened on the road and left dead that belonged to people that lived there. You know like we say with the garbage, I myself, have hauled 5-gallon pails of used oil to town to be put in disposable places. I haul plastic bags to town to the thrift stores, to food shelters for reuse. I haul (?) to town, newspapers. We rent a garbage to try to keep up. So there's so many ongoing issues. Like I said as far as my home, I don't care if it's worth anything, I'm not a materialistic person. I don't care about my home – that part of it. I don't even care if I have to live near a landfill. I care about people and I care about safety that has not ever been taken into consideration.

I dealt with the railroad about getting crossroad signs up years ago, because when we crossed the track and a train was coming, it never did beep the horn and you thought it was a car coming from town or from the other way, and we had an older fellow that lived out there, hard-of-hearing, at the end of the road, and I always thought of him. And they willingly put them up for a safety issue.

So what I'm saying is that it's not just the landfill on my part, even though I live right on that road. I'm looking at all these safety issues and things I've tried to deal within the past for not only living out there, but for everyone else. Because I just don't care about just me. Like I said if everyone cared about people like they did years ago when I was brought up, there would be a lot of difference but it's like Father Gross said and a few other people, just shut up and go home. You know and I feel this is how I'm looked at now in the city of Grand Forks, because I've been to so many of the meetings complaining about these issues out there. And when I got low limits put on our road, I was called by people that they couldn't haul their grain out and complaining also.

And as far as birds, we have those seagulls cover our yard like snow. We always have a mess on all our stuff out there. They're so full, we have bird watchers that come out there because there's so many birds. There's issue after issue, I don't want to take all your time, but I would really like to have it taken into consideration there is many safety issues out there. In one part of the road right where the proposed landfill would be, has always been undermined with water. It always was a soft spot there over the years. And the last three (unclear wording) we got I watched where they took samples in that field and the puddle of water stood around where they had forever before it seeped into the ground. We have a lot of water, high-table water, out there. As we've been in our house, we've built this house over 20 some years, this one out there, and we just two years ago put new drain tile around outside of our house. We had it inside and we ended up putting it on the outside. I mean...this is all I have to say. (End)

10th speaker: I'm Al Grasser and live at 3352 Crown Cove in Grand Forks. Just wanted to point out that if we don't have a landfill close to town, it means we're gonna have to transport our garbage longer distances whatever that turns out to be. That transport uses basically what's increasingly scarce and expensive petroleum products to move it. Basically through trucks, things like that. We're getting our petroleum increasingly through hostile countries, we've got associated environmental impacts with the processing, refining, burning of fossil fuels. I was going to point out from an environmental standpoint you know those are issues that need to be appreciated. As a resident, I realize I'm only one of 50,000 people in the city of Grad Forks, but if we don't have a local landfill, our costs as I understand it, are going to go up substantially for our landfill costs and garbage pickup through our fees. A lot of residents are concerned with taxes and fees that are facing us today and so I guess I'd like to speak in favor of the landfill because it's close, it's going to be a cheaper alternative and from what I understand, I think it's an environmentally acceptable solution. (End)

11th speaker: Hi, my name is Steve Swanson, I live at 3970 South 17th Street in Grand Forks. The landfill proposed location is seven miles away from my house but I throw away trash weekly and am concerned with the haul rate and in finding a landfill that's farther away. But in listening to most of the pros and cons that have come up today, a couple that really stand out is traffic safety and recycling and both of them seem like pretty easy topic to fix, one with the city engineering and landfill department that the guy's in charge of setting up the landfill. So I don't think that'll be a big concern with continuing with the landfill in its existing location. I like being able to have a landfill close to Grand Forks.

I know having the flood in '97 really shortened the lifespan of the landfill and Grand Forks is in need of replacing it soon, but in the existing location where the landfill is, I think the city has been a good steward in the land and they have done a good job in maintaining keeping the trash picked up and I drove by there many times and if they continue that with their new site, I think

that would be a good location and just to say that I'm in favor of the location of the landfill and granting the permit. (End)

Speaker Radig: Thank you.

12th speaker: My name is Dan Romnuld, I live at 1355 23rd Avenue NE, about a half-mile, or a mile north of the landfill where it's going to be located. It seems to me we should be looking at the true cost of the landfill. Laws are gonna change here shortly, it's almost a given where you're gonna see a lot tighter regulation in the future. You're going to be subjected to that in the state of North Dakota. I wish you would consider and I think you will consider the true cost of the landfill in the future. Who is going to pay for the cleanup? It's definitely going to occur.

There's two landfills that have been used in Grand Forks (word unclear) used by the city and county residents. Thus far, one is leaching into the coulee already, which is a very old one. We have one that we have heard is leaking at this time. I haven't seen data to prove that, yes or no. But it is a rumor. I'd like to have that checked out too. What are the true costs to clean these things up after the fact 20-30 years down the road? Mr. Swanson, you have to consider thus far, what we're looking at, is we're looking at the landfill that's being based on cost. No other consideration, that I can tell, East Grand Forks is concerned about cost.

In Fosston, they have a facility that only puts out 20 percent of the material into the ground that's available to them at a greater cost. But that's an up-front cost, you pay it now. You don't put it on some other person 20-30 years down the road. That's my biggest concern. How many messes have we seen recently that are going to be passed down to the generations coming. What is our responsibility at this point? Personally, I believe it is substantial. I think it should be considered. There's got to be a better way to do this. I'm not in disagreement with the city on the fact that we have to do something. But consider the new technology, it's here. Don't let bureaucracy lag behind. These methodologies have been put to use in Minnesota, right next door. They work. Let's consider them. It seems to me that this whole process was left to go to the last minute and now it's being rushed into the process that's going to be put in place. I think that's be a mistake. I think we should take a little more time looking at the alternatives and consider them, because we're dealing with the future. A short-term fix, based on a monetary process that was in place now, in order to save short-term money, may not be the brightest answer to this problem. It may not be the least expensive when after you figure it all out. Thank you for your time. (End)

Speaker Radig: Thank you.

13th speaker: I'm Dr. Harvey Gullicks, I live at 1004 South 30th Street, and I'd just like to speak in favor of the landfill. Basically, technology does exist for recycling and it costs a lot of money. I think recycling is fine to an extent, but what you have to keep in mind I think, is that when you recycle and reclaim energy and that kind of thing, the ash is where a lot of the contaminants end up existing anyway and the ash is what you end up having to dispose of. And so that 12 to 20 percent of the waste is where you are concentrating all of the contaminants to be concerned with anyway. And so I believe that the landfill could be designed with energy capture and that kind of thing to allow the natural breakdown which produces methane to be captured and you can reclaim the energy through that means in a lot better fashion than mandating actual energy recovery plants similar to the ones in Minnesota. (End)

14th speaker: I'm Daryl Bran, I live at 3702 Cherry Street here in Grand Forks. Lived in the city about 10 years. A lot of points have been brought up here but we haven't talked much about geology of the area which I think is the most important part of this whole situation because the water table is very high at that location in Rye Township. In fact, Todd Feland has said many times on the radio, and in the newspapers he's been quoted as very similar to the Turtle River site. We all know what happened to the Turtle River site...Steve you know. It's inappropriate geologically.

Dr. Frank Beaver, a hydrogeologist from UND who studied the area many years, says that there's no site appropriate in the Red River Valley that's appropriate for a landfill. Because there's no bottom...it's 200 feet down and just a bunch of silt that was pushed down here by the glacier. There's silt in the water and there's just immense settling once you put weight on this type of soil that's in the Red River Valley.

If you look at the roadway over here by the new hotel, on Demers, this summer they were upgrading the highway as it approaches the bridge stop, because the bridge stop sets on pilings, of course the roadway isn't. And it's been settling over the years and been fixed several times.

The same thing happened with this new parking ramp they have at UND. They drove piling there for months in order to support the weight of that parking ramp. And then what happened was they didn't have two or three of the pilings down far enough to the bedrock and they had to stop the whole operation and do some retrofitting on that facility. I don't think that got to be public, but some of us found out about it through the geologists that were working with that project.

So we know what the situation is here...high water table, the current landfill is leaking, Steve and I talked about this at the hearing they had in Grand Forks when we were hearing from Burns & McDonald and the folks that were involved in planning this landfill. That one is leaking and I'm sure the landfill by Harley Davidson over there is, the English Coulee, I'm sure is leaking as well. So we have two that are leaking right now...then we want to build another one?

And somebody talked about the business of not having a landfill so close to town. I think this one was pretty close to town. And if we want to talk about the people coming from Winnipeg that are some of our best customers, who are going to pass right by this landfill, this beautiful site as we go up over the overpass north of the Peavey Elevator. They'll get a great view of this pile of garbage that we're creating.

And we were never picked as a regional site for a landfill. Grand Forks city officials just decided they were going to be the regional landfill. The health department in 1993 initiated a study to decide where there should be a landfill in northeastern North Dakota, as we know we need one. The selected geologists said there wasn't an appropriate site in the valley just like Frank Beaver said. So it was supposed to be located seven miles south of Lakota, one mile west up out of the valley. And Lakota attempted to open that landfill but Grand Forks wouldn't haul their garbage there so therefore that's how we got designated as a regional landfill area is because Grand Forks decided they wanted the money. The revenue that comes off this is a couple million dollars. I know this tough to give up.

And of course from people in Grand Forks here that haven't followed this thing, it's easy for them to get up and say hey, this is a great site, you know, I want my garbage to go out there, I don't

want my rates to go up but guess what? The rates are going to go up anyway. For the folks in Grand Forks your rates are going up. We're all going to pay more because we have to pay for preparing this landfill, it's a new site, it's going to cost a lot of money to get it ready, so therefore, your rates are going up anyway. It should be nice if we could use some the technology like Father Gross said, by the way, he's a "Father" Gross, not just a regular citizen that was talking about doing the right thing. Been a Father of the church in Thompson for several years and he's retired and he speaks with all kinds of ethics in mind. I'm just a regular citizen. I don't speak with the power that he does.

So it should be nice if we could look at current technology and think about the environment. This garbage used is going to leak through that liner because all liners fail in time. The EPA says that all of them fail in time, because there's going to be settlement at a different rate over here than over there and that old liner is going to stretch and it's eventually going to leak. Then we got a cleanup problem. It's interesting like Father Gross said, that we haven't looked at to clean up the mess that we already have here. But I know that North Dakota doesn't really have any really "teeth" in their laws about recycling and we don't have the staff at the health department that has the background to really evaluate these situations...no offense to you folks. It's just hard to find people like that, you have to pay them a lot to get them there. And we don't like to pay taxes as North Dakotans. Minnesota has a lot stricter rules, taxes are a lot higher. You get what you pay for. I lived in Minnesota for thirty years and boy I tell you, you wouldn't do this kind of thing in Minnesota.

So therefore, I think that it behooves the health department to look at this and of course you don't have anything to do with the zoning but the people in Rye Township don't have a thing to say about that. We know that because of the four-mile exterritorial zoning that the city fathers put in place. And we've muted at them, again at the county level, the county commissioners and their wisdom decided not to have a vote on this issue on the county, and we think we probably would have lost that one anyway.

But at least those people that had a vote, they have no voice, they've been neutered according to Christianson on the council in Grand Forks...he's talking about he wasn't speaking to this issue, he was talking about the people on the Township Board and the city council being "neutered" the other day because they didn't have anything to say about this because all at once the people in the Township had some ad hock committee that wanted to sit in on the meetings between the Township supervisors in Rye and also the council people. All at once have had no more meetings. I don't know what was going on behind the scenes there but all at once it isn't happening as a result. There's no more discussion.

We would almost wonder what's really going on here. We've done everything we can to tie the hand so no one has anything to say about this. So the health department should stand up and be tall in the saddle to make the right decision here. Thank you. (End)

15th spaker: Eliot Glassheim. I'm on the Grand Forks City Council and here speaking only for myself, of course, I'm not authorized to speak for the council as a whole. I want to say first that I'm really pleased with the thoroughness of your review. I've read the permit and conditions, and I'm pleased with your review and the continuing supervision that the state health department will maintain over the landfill to make sure that it's run in an environmentally acceptable manner.

I think everybody on the council wants to get it done, but we want to get it done in an environmentally correct manner and we're really pleased that an objective third party like the state health department will continue to have supervision over us in administering, as I saw, there were 18 general recommendations and 20 specific conditions in the draft permit, and all of these will tie our hands and hold us to environmental standards which we welcome, which I welcome.

I wanted to speak to a couple of items that have been brought up and Lord knows, I could be wrong or I could be mistaken, but some of them do disturb me and I wanted to talk about them a little bit. There's repeated discussion that the only reason Grand Forks is operating a landfill, our regional landfill, is to make a profit. Frankly, I've been in city government for 25 years. I've never once heard discussion of anybody interested in making a profit from a landfill. I don't know where anybody gets this from, it's not anything that I've ever heard discussion of and I don't believe it's true.

There was a claim that the city decided it wanted to be a regional landfill, but my understanding and my recollection may be hazy, but when the Title D regulations came down more than 15 years ago, it was my impression that the federal government made requirements so strict that many smaller landfills closed and at that time the state health department envisioned that there would be larger regional landfills because nobody else could afford to meet the federal conditions in the title deregulations. So it has always seemed to me, that Grand Forks is doing the service by being a regional landfill, that it has no particular need to be a regional landfill except that we have the capacity, the capability and the financing to perform that service for people up and down the northeast quadrant and into East Grand Forks to provide the service of taking care of their waste, including the residents of Rye Township.

There was earlier, some conversation about your role in protecting the public, and I very much appreciate that and I've already mentioned that to the extent that you enforce environmental standards that is a good protection for the public. But the public includes perhaps 100,000 people who depend upon this landfill to get rid of their waste. I am concerned for those people who are more closely impacted by it, on the other hand, I think you have to weigh and we have to weigh the rights and concerns of 100 or 200 people against the rights of concerns of perhaps 100,000 people up and down the northeast quadrant of the valley. And those of the public as well, and they depend upon Grand Forks to take care of and process their household wastes.

There was an earlier attack on politicians and I know I'm supposed to have a rhinoceros hide about this, but I'm just a human being too like all the other human beings who get up here testifying and I don't care for it frankly. I see my role as trying to solve problems for people and nothing underhanded and nothing devious about that. We've been trying to site a landfill for well over 15 years. The process is long, and arduous and tedious, and expensive and if anything, it needs to be streamlined.

Landfills exist all over the United States, they're going to continue to exist in some fashion. We have to be able to get them sited more quickly. I would also just mention a phrase that I hope the department will take into consideration and that is I heard the phrase "The perfect is the enemy of the good." And so people who oppose landfills for either good or not-so-good reasons, you know, envision a perfect world and if there's the slightest deviation from perfection, it means we can't do anything. So I see your role as being good stewards of the environment. Nothing is absolute. There can be no absolute guarantees in life. But from the best of our knowledge now,

we certainly want to be good environmental stewards.

I want to talk also a little bit also about recycling. The city council is committed to recycling. Our first responsibility is to get a landfill sited. But we're well aware that we want to improve what is already a strong recycling program in Grand Forks and I know there's mention of it in the draft regulations. Grand Forks spends \$400,000 per year on curbside recycling. I don't know if anybody else in the state does that, we have an extremely good recycling program. I don't know if Rye Township has a recycling program, but I'm sure they should with their concern for the environment.

Finally, the Nelson Counties' sites have been brought up as being better. Again my recollection may be hazy, but it seems to me that some Nelson County sites were on the list of several hundred potential sites that were viewed by the state health department many years ago. My understanding of the story of what happened is a little different from the gentlemen who spoke earlier. But my understanding is that the city of Grand Forks wrote to Nelson County asking if they would host a landfill in one of the sites that some people thought were better environmentally than in the valley, and that we were told "Thanks, but no thanks." And that's the reason that those three sites were dropped. That the commissioners didn't want a landfill there. Folks can correct me if I'm wrong.

So going forward, I do hope that you all will keep in mind that 100,000 people are depending upon the siting of a landfill. And one, two or three hundred people are going to be inconvenienced by it. I should say too, that the good-neighbor policy was mentioned. I believe there was a piece of paper with about 20-25 proposals from the city of Grand Forks for discussion with Rye Township.

Things that we would want to pledge ourselves or commit ourselves to and I have pushed our staff to make those binding on ourselves to show that it's not talk, but we're acting in good faith. You all have to have more discussions I think, but I would certainly not be unhappy if some or most or all of the good-neighbor policies that we have proposed would be incorporated by reference within your draft finds (word unclear), so that the people could know that we speak in good faith when we propose something.

Finally, (now I've lost my train of thought there). Half-tonnage (?) - I mean, I've watched this discussion go on in Turtle River and all those years, the difficulties in siting and many people claiming to represent the environment when it seemed to me that there was simply (word unclear) looking for trying to find reasons trying to oppose something, but they just didn't want something near them, which is understandable. But when we talk about environmental concerns, I wonder if the state health department would not consider doing some kind of a study to tell us the concentrations and the dangers to our rivers and water supply of toxic chemicals put on the land and also of the potential bacterial contamination from livestock grazing within relative short distances of water supply and rivers. Those seem to be perhaps more threatening to the environment than highly controlled leachate collection systems with double liners and double-clay and pumps, and etc., etc., So the department is really looking to protect our environment from harm and I think that might be a place to look as well. Thank you. (End)

Speaker Radig: Thank you. Next person.

16th speaker: My name is Raymond Wilkens and me and my family moved to Grand Forks in 1976. We lived in the city for nine months because we prefer living in the county or rural area and it took us that long to find a place in the county and we moved to Section 12 in Rye Township. We built a house and we've been living there ever since. The open area, the right to have dogs, horses.

When this new landfill came up, we heard it through the grapevine, from the newspapers. My back property is one-half mile from the proposed landfill, my house is approximately a mile, maybe a little less. We've been told that the landfill is going there if we liked it or not. And to me that is not a friendly way to put it, as if we have nothing to say.

The city council, or the safety presentation of the landfill was the geologists on July 22 and the geologists were reporting that the water table was at 8 feet, 10 inches, which if anybody living in Rye Township knows for a fact that the water table is not that low. There wouldn't be water in ditches if the water table was 8'10" though they invited me to go out there and check the water table with them. We went to one hole, the hole was 15 feet deep, the water table checked out at 8'10." The problem is, that on July 7 they pumped the hole dry, plus they measured the water 43 inches, the pipe was 43 inches above the ground. So if you take the 43 inches above the ground, and the (unclear) the 4 foot 5 inches, or what it was, that the water came up to the bottom (unclear), the water actually came up to that pipe approximately eight (8) feet in sixteen (16) days, which is eight (8) inches a day and it was still rising.

When they were drilling the holes, I used to drive out there and check the holes with a ruler. Most of the water table was at 31 to 37 inches. So we know the water table is not at 8 feet 10 inches.

I have pictures of (the way they took it) the garbage on the south-end of the road Section 13 that I will send you on the landfill, on the bailing station, the paper and the garbage that was blown in the ditches and that, and that was all taken on July 23.

Also, the geologists stated that the water was unfit for cattle. This was reported when the Grand Forks Harold Newspaper was there, WDAZ TV papers were there, so everybody in the city/county heard a false report. I have a well, I drink that water, it's been tested by the state and stuff and it was just tested this summer and the water is safe to drink.

On page 338 of the Grand Forks landfill application report and this report from the Advance Engineering & Environmental Services, Incorporated under non domestic well users, it states the south half of Section 2, in Rye Township, this location was identified in having a deep 200-foot well that would be in use for watering cattle in the past, however, conversation with AWUD indicated that user (word/name unclear) will be switched to rural water in 2007. She's my neighbor, she had it put into her house for drinking, the cattle are still drinking the water. And Mr. Todd Feland was out there in September with me and seeing that the cattle were drinking because we were in the barn so he was very aware of it and he still had his foot in the document.

Also, in Section 14 it also states that the owner of that land has been switched over to rural water and he is no longer using the water hole which also is a false statement. I was out there taking a water sample, I talked with Mr. Mulligan, the state and the city wouldn't even go out there, I went out there to take a sample. I took it to North (?). The water is very good. They said that he was

on rural water now and the water hole was not being used.

Mr. (Name unclear), I saw him last Thursday, at the Manville (?) Senior Citizen, I asked him about it, he says he's hooked up to rural water, I mean he's got rural water, but it hasn't been hooked up. He's had it for six (6) years. The cattle are still drinking out of the water hole. So it's not being (word unclear).

Apparently, the city only asks if they're being serviced and it not if they were using it. I refer to this...I found eight deals in your deal already and just studied it in documents where they stated like this, which the city prefers to refer them as a (word unclear) delaying the truth. The city claims that upon completion of the new runway at the airport the birds over the current landfill will (?) be hazardous to the planes used on the new runway, that's why they need a new landfill. Thus, that's why they need a new landfill.

I talked to an instructor the other day that teaches/trains (?) the college kids out at the airport and Section 13, when they fly to the south, they fly out of the south of the airport, they go over the lagoon. In Grand Forks they fly over the south (?) Southeast corner of Section 13 and they head toward the lagoon in East Grand Forks. So if the birds are a problem in the old landfill, the runway, or the (air/bird?) deal is gonna be a problem again here because there's going to be flying over Section 13. He told me there's approximately 500 planes a day that land and take off that are college students that are flying. They either fly to the south or they fly to the north. He told me that if one of the students accidentally flies over the city, they have a noise ordinance, his supervisor gets a call that these students are flying out of their air pattern.

Another thing I just found out today (side 2 of tape 1 ends) . . . time lapse before switching to a new tape unknown.

Tape 2, side 1:

Speaker Radig: Thank you very much.

At the beginning of tape 2, 16th speaker continues: I heard the other day that the city is setting up an apparatus that if you want to keep the birds away, it's going to be shooting off like a gun or sound of a gun, twice the sound of a 12-gage shotgun. Every 45 minutes, 24-hours a day, 7-days a week, 365-days a year. There's 404 houses within a mile within the dump. To me that is a health hazard to listen to noises of that kind. It said other environmental nuisances...that it folds a baggage of bags/bail at a weekly...and intermediate soil coverage should be effective to reduce...and other potential environmental nuisances (unclear wording) associated with landfills, including disease transmission, hazards created by rats, snakes, insects, cats, dogs, skunks and other animals vermin (unclear sentence) environment order protection and accumulation of litter.

Take note the fact that they say "reducing the potential" – they're not eliminating it. So they're more or less telling us that we are having rats and a lot of other stuff moving closer to our houses. The dump right now is approximately from our house. Now it's gonna be less than a mile.

Wherever you know how the city accumulates or controls the accumulated litter because I have taken pictures I will send you. I've got 24 pictures on Section 13 by the landfill that I will email

you. I never had time to run all that stuff. I do not agree or did not agree with the happening of the landfill and (ET?) zoning when it first started. This summer I went out and visited approximately 93 homes and received signatures from 176 signatures on the (ET?) zoning and the Rye Township when it first started.

The list of people that's signed it is available. I can send it to you. Out of all residents there was four residents that refused to sign. One that lived right across the street. One lived about four miles, it didn't concern him because it was four miles away. Another one works for the garbage company, he refused to sign it because he couldn't lose his job over it. Another one lived in a far corner about six miles away and it didn't bother him that they put the dump there. That's just like most of the people that are here today that are testifying that think the dump is good, if you notice they all live in the city, no one is living in the country saying that they'd like a dump in their back yard.

Because of the short time and short notice many residents could not get away from their jobs to attend this meeting. And I hope this (evening/survey?) that I will be sending you all these things and take into consideration that they'd like to be here but they have jobs.

One thing for people is to have an opinion to buy a house close to a landfill, another is to have a house for 32 years, yet someone comes to tell you I'm gonna build a landfill in your backyard and tells you there's nothing you can do about it. I don't agree with it. Both the city and county commissioners (words unclear) it's already been said . . . they've denied the right to vote, like they said they might have lost, but we should have the right to vote. And I think the health department, the legislators, the governor should get together, they should put this increment (?) on hold, get together and set up some regulations as far as recycling, burn composting, etc., burn the garbage, because it's 10-20 percent that actually goes into the landfill. And I think that in today's technology is the way we have to go...digging a hole, dumping your garbage in it is the old style. I want to thank you for your time. (End)

17th speaker Curt Kreun: I live at 1401 South 35th Street, Grand Forks, North Dakota. I'd like to take this opportunity to show support for the health department on their decision to issue a permit which actually does protect human health and the environment. This permit is based on science and fact. And not misinformation and emotion which we get from some of the previous speakers. In this permit the technical and safety aspects have been addressed. And from this, in depth, research shows that all state and federal regulations have been met or exceeded.

And also, this becomes a very vital part of our region, not just the city, but the region. And the people that live in this region that you have to represent, as Mr. Gross (name?) indicated, and just for not going over all the other issues that have been raised but for the many findings in the draft permit, I strongly support your decision to issue a permit for this landfill. Thank you. (End)

18th speaker: Good morning. Thank you for allowing us to testify at this meeting. **My name is Paul Erickson,** I live at 1107 South 14th Street, Grand Forks, North Dakota, which is a rural address which is in the four-miles extraterritorial jurisdiction area.

I wasn't even planning on attending this meeting, because I know it's not an issue about zoning and so forth, etc., until I sat down at the breakfast table reading the Grand Forks Herald, and I saw an article in there this morning by Tom Dennis. And he addresses the situation that exists in

the city of Dickinson and the city of Fargo. I believe he's trying to make a case for the decision that was made by the county commissioners not to have a vote on this particular issue. However, I think he also made an excellent case for the unwise decision to locate a landfill as close to the city as what is being proposed today. He says, "Clearly a landfill is not a state park but it's not a nuclear waste site either." (End of quote?)

A fair part of Dickinson, North Dakota, is build atop the city's old landfill and Fargo's landfill where Grand Forks' garbage will be trucked at significant costs to taxpayers and risks to motors on Interstate 29, while the local landfill is built and located within Grand Forks. This means that more people live within ten miles of the Fargo landfill than all of Grand Forks County. My response or my impression to that, is how unfortunate for the people of Dickinson how unfortunate for the people of Fargo that these sites that they're building on top of and having the city around the landfill, this certainly is not justification for building a landfill within this four-mile district. I believe that this is a result of poor planning. I shouldn't say poor planning, but not long-sighted enough planning...not looking far enough down the line into the future. I'm not going into environmental issues as far as leachates and so forth go, but I just believe, which I assure you can ask any of the people in Fargo, it's not really a great idea to have this landfill right smack in the middle of the north end of Fargo. Main streets, large avenues where transportation going right past it – namely, I believe its North 45th Street.

I think if you were to ask the people that live around this one, they'd say there was definitely a mistake made a long time ago and they wouldn't particular care to have that in their neighborhood. As I understand it also, this landfill is filled up. And as I understand, there's a permit or an application to extend the elevation on the top of that, or to elevate it higher yet, which I believe just continues to compound the problem. So I wanted to bring this article down and present it to you as a committee for your consideration. (Signed name)

I thank you for your time and appreciate your time to allow me to speak. Thank you. (End)

Someone requests if it's possible to make another comment.

Speaker Radig: Sure.

19th Speaker: Mr. Glassheim's...I'm **Richard Gross**...Mr. Glassheim's comment about the "NIMBY's (Not In My BackYard)" bothers me as much as, I'm sure, the comment about politicians bothering him. Except that I want to clarify I'm not a "NIMBY." I don't live by the dump. That's not my concern. It's not in my back yard. But what upsets me about that is that I have been called that and referred to by a couple of city councilmen as an "NIMBY" – I don't live by a dump. But that's a good way to shut down a conversation. (End)

Speaker Radig: Is there anyone else that would like to make comments or providing information?

We can temporarily pause for a little while and see if anyone else comes in. Why don't we wait for 15 minutes to see if anybody else arrives, and if not, we'll then close the hearing. So we'll then close the meeting. (End)

Pause taken.

Speaker Radig: Thank you everybody. It is now 11:58 and we'll reconvene. Has anybody else arrived that would like to make additional comments or present more information into the record? Anybody else here. Again, I would like to remind everyone that there will be another opportunity on Monday evening, February 2 at 5:30 p.m., we will be having another public meeting to take any other additional comments that people may want to provide.

Well, with no further individuals that want to provide comment, we will close this hearing. The record will be open for written comments which are postmarked on or before February 4, 2009. I'd also like to point out again, all comments will be considered with any written comments that we receive and the Division of Waste Management will present its consideration of all the comments in writing. And if you haven't done so already, you can put your name on the list at the back table to receive our written response to all the comments. After considering all the comments and responding, the Division of waste Management will make a recommendation on the draft permit, and again that will be either to approve the permit as proposed; to approve the permit with modifications based on the comments and information received; or a recommendation to deny the permit. That recommendation will be submitted to the State Health Officer, the state health office will review the record. He will verify that all state law has been followed and he will make the final decision on the permit. And any written comments should be mailed to me, Scott Director, Director, North Dakota Department of Health, Division of Waste Management, 918 E. Divide Ave., 3rd Floor, Bismarck ND 58501-1947. And that's the address that's listed in the Public Notice that was in the newspaper and our department of health website.

At this point, it is now 12:00 p.m., and I will close the hearing on the proposed Grand Forks municipal solid waste permit. Thank you for your participation. (End)