

Hall County Regional Planning Commission

Wednesday, March 1, 2017 Regular Meeting

Item 1

Review of Landfill Siting

Staff Contact: Chad Nabity

Agenda Item # 4

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING February 22, 2017

SUBJECT: Proposed Site for Construction and Demolition Landfill at Old Potash Highway and 70th Road at the Cornhusker Army Ammunition Plant. (CHAAP)

Background:

On January 23, 2017, Stephen, Mossman, with Mattson Ricketts Law Firm, submitted a letter on behalf of O'Neill Wood Resources requesting that the Hall County Regional Planning Commission review and comment on an application to the State of Nebraska Department of Environmental Quality and Hall County by O'Neill Wood Resources to locate a Construction and Demolition Landfill at the Cornhusker Army Ammunition Plant on property located at the northwest corner of Old Potash Highway and 70th (Alda) Road.



General location of proposed C&D Landfill

This is located immediately north of the existing O'Neill Wood Resources site. The entire property is zoned AG-SI.

Scrap Disposal and Recycling are specifically listed as Conditional Uses in the regulations. These regulations were written and adopted based upon the reuse study for the base closure and relocation act. A copy of the AG-SI regulations is appended at the end of this memo.

The new operation would have a driveway access from Alda Road. This site is within the former Cornhusker Army Ammunition Plant and will not impact any existing or new residential uses in the immediate vicinity.

Mr. O'Neill has submitted an application for a conditional use permit for this use to the Hall County Board of Supervisors. They have scheduled a hearing for the conditional use permit on May 2, 2017, concurrent with the hearing required by NDEQ for landfill siting approval.

Per the Nebraska Local Siting Act (NRSS § 13-1703(3)) for landfills review of the proposed site by the planning commission is required prior to consideration of approval by the County Board. This meeting is the opportunity for the Planning Commission to review and comment on the proposed location of this construction and demolition landfill and recycling center.

13-1703.

Criteria.

An applicant for siting approval shall submit information to the city council, village board of trustees, or county board of commissioners or supervisors to demonstrate compliance with the requirements of this section regarding a solid waste disposal area or solid waste processing facility. Siting approval shall be granted only if the proposed area or facility meets all of the following criteria:

(1) The solid waste disposal area or solid waste processing facility is necessary to accommodate the solid waste management needs of the area which the solid waste disposal area or solid waste processing facility is intended to serve;

(2) The solid waste disposal area or solid waste processing facility is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected. The applicant shall provide an evaluation of the potential for adverse health effects that could result from exposure to pollution, in any form, due to the proper or improper construction, operation, or closure of the proposed solid waste disposal area or solid waste processing facility;

(3) The solid waste disposal area or solid waste processing facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. **The city council, village board, or county board shall consider the advice of the appropriate planning commission regarding the application;**

(4) The plan of operations for the solid waste disposal area or solid waste processing facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(5) The traffic patterns to or from the solid waste disposal area or solid waste processing facility are designed to minimize the impact on existing traffic flows; and

(6) Information regarding the previous operating experience of a private agency applicant and its subsidiaries or parent corporation in the area of solid waste management or related activities are made available to the city council, village board, or county board. If a corporation, a parent company or subsidiary thereof, or any officer or board member of the corporation or the parent company or subsidiary applying for approval has been convicted of a felony within ten years of the date the application is filed, site approval shall not be granted.

Source

- Laws 1991, LB 813, § 3;
- Laws 1992, LB 1257, § 60.

The request from O'Neill Wood Resources as submitted is attached.

Chad Nabity AICP, Planning Director

Section 4.07: AG-SI-Special Agriculture/Industrial Zone

4.07.01 Intent

This special use district is to allow for agricultural uses as well as manufacturing, processing, fabrication, research, warehousing, storage and wholesaling facilities in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan. Ranch and farm dwellings are not allowed due to the Environmental Protection Agency issues with the CAAP site. Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 3, Section 3.29.

4.07.02 Permitted Principal Uses

The following principal uses are permitted in the Secondary Agriculture AG-SI District.

- 1. Adult Establishments.
- 2. All other Permitted Principal Uses indicated as Permitted within the Zoning Matrix.

4.07.03 Conditional Uses

1.

2.

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the AG-SI District.

Industrial uses with more significant health and safety concerns: wrecking, scrap or garbage.

disposal/recycling yard; explosives manufacture or storage; chemical, acid, or petroleum refining or storage; meat packing plants; milling and smelting of ores.

- Utility substations, communication towers.
- 3. Flood control facilities/improvements.
- 4. Stock yards, feed yards and accessory uses provided the use can meet the separation distances found in Table 1 in the A-1 District.
- 5. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.07.04 Permitted Accessory Uses

1. Other buildings or uses accessory to a permitted use or conditional use.

4.07.05 Prohibited Uses

- 1. Farm dwellings.
- 2. Any use not specifically listed as a permitted principal use, conditional or permitted accessory use.

4.07.06 Area and Intensity Regulations

In the AG-SI District, the height of buildings, the minimum dimensions of lots and yards permitted on any lot or tract, shall be as follows:

Uses			Minimum Setbacks					
	Min. Parcel Area (acres)	Min. Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Max. Ground Coverage	Max. Building Height (feet)
Agricultural Uses	20	100	35	-	-	-	65%	-
Non Agricultural Uses	1	100	35	-	-	-	65%	-
Rail Road Uses	1	80	35	-	-	-	20%	-

Reference Resolution 15-020, Approved 5-5-2015



Kelly R. Hoffschneider □ Reginald S. Kuhn Ryan K. McIntosh Stephen D. Mossman o Randall V. Petersen Sally A. Rasmussen △ J. L. Spray △ Christina L. Usher o Patricia L. Vannoy o William F. Davis, Of Counsel

OAlso Admitted in Colorado ∆Also Admitted in Iowa ⊓Also Admitted in South Dakota

www.mattsonricketts.com

Offices in Lincoln and Nebraska City

January 23, 2017

VIA EMAIL

Chad Nabity Regional Planning Department, Director 100 East 1st Street P.O. Box 1968 Grand Island, NE 68801 regionalplanning@grand-island.com

RE: O'Neill Wood Resources, LLC

Dear Chad:

Pursuant to our conversation, enclosed please find a copy of the O'Neill Wood Resources, LLC's Local Siting Act Application. Pursuant to **Neb. Rev. Stat.** § 13-1703(3), the Hall County Board of Supervisors is to consider the "advice" of the appropriate Planning Commission regarding the Application. Could you please place the Application on the agenda for the next Hall County Regional Planning Commission Meeting which I understand will be Wednesday, March 1, 2017 at 6:00 p.m.

If you have any questions regarding this request, please let me know.

Very truly yours,

Stephen D. Mossman sdm@mattsonricketts.com

SDM/ear

Enclosure

cc: O'Neill Wood Resources, LLC (via email)

134 South 13th Street, Suite 1200 Lincoln, Nebraska 68508

(402) 475-8433 Phone (402) 475-0105 Fax

O'NEILL WOOD RESOURCES, LLC

LOCAL SITING APPLICATION

HALL COUNTY, NEBRASKA

Prepared for: O'Neill Wood Resources, LLC January 2017

Prepared by:

Jess Hurlbert, PE Olsson Associates 701 4th Avenue, Suite 2C P.O. Box 885 Holdrege, NE 68949-0885 (308) 995-8706

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Request for Local Siting

Construction and Demolition Waste Disposal Area

For Pat O'Neill

O'Neill Wood Resources, LLC

O'Neill Wood Resources, LLC hereby requests that Hall County approve the siting of a construction and demolition waste disposal area.

The site of the proposed facility is a 56.080-acre tract of Land located in part of the southeast quarter (SE ¼) of Section Eighteen (18), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., Hall County, Nebraska and more particularly described as follows:

Commencing at the Southeast Corner of Section 18; Thence on an assumed bearing of N01'18'49"W, Along the East Line of said E1/2 of Section 18, a distance of 591.59 feet; Thence N88'41'11"E a distance of 4.22 feet to the **Point of Beginning**: Thence S89'02'09"W a distance of 2510.04 feet; Thence N00'59'37"W a distance of 927.97 feet; Thence N89'02'52"E a distance of 820.31 feet to a point on the West line of 86 Ft. Drainage Easement; Thence N01'11'12"W, along said West line of Drainage Easement, a distance of 76.55feet; Thence N89'24'56"E a distance of 1639.82 feet to a point of curvature; Thence around a curve in a clockwise direction, having an angle of 20'33'43", having a radius of 722.17 feet, and chord bearing S11'30"'01"E a chord distance of 257.78 feet; Thence S01'14'28"E a distance of 740.06 feet to the point of beginning.

Said tract contains a calculated area of 2,442,827.01 Square Feet or 56.080 Acres more or less, of which 1.02 acres are county road Right-of-Way.

The nature of the proposed facility is a construction and demolition waste disposal area, to be operated in conjunction with current O'Neill Recycling Center. The attached plan shows the actual proposed construction and demolition cell area to be located north of the existing recycling center and in an area between Alda Road and the existing N/S drainage easement to the West.

The Owner of the proposed facility will be O'Neill Wood Resources, LLC with a present address of 7100 W Old Potash, Hwy, Alda, NE, 68810, and mailing address of PO Box 2202, Grand Island, NE 68802.

The area to be served by the proposed facility includes the service area of Grand Island, Hastings, Kearney and an area of approximately 30 miles surrounding the City of Grand Island.

Neb. Rev. Stat. § 13-1703 Criteria:

Neb. Rev. Stat. §13-1703(1) -- The facility is necessary to meet the solid waste needs of the area:

Currently, construction and demolition waste users must travel 30 plus miles to dispose of C&D waste in the Grand Island area or dispose of the C&D waste in a Municipal Solid Waste (MSW) lined landfill, needlessly using large amounts of airspace for material that does not need a lined landfill. O'Neill Wood Resources, LLC offers roll off and disposal service to where all C&D items not recycled would have to be trucked to a landfill or C&D landfill. This site would be very beneficial to the construction industry in and around the Grand Island Area.

Neb. Rev. Stat. §13-1703(2) -- The facility is designed, located, and proposed to be operated so that the health, safety, and welfare of the local population will be protected.

The facility is to be located at the existing O'Neill Recycling Center. The recycling facility is currently utilizing the same equipment and material handling methods that would be necessary for C&D waste to be handled cleanly and safe. The total permitted area of the property is 56.080 acres, however the area of the proposed cell is contained within 15.81 acres. The design of the cell consists of approximately 5 to 6 feet of excavation to floor level of the proposed cell, with the floor elevation of the proposed cell being greater than 10 feet higher than the high ground water levels in the area measured from area wells. The slope of the floor drains from NW to SE to avoid ponding of rain water. The storm water outside of the cell is managed with run-on controls to divert storm water from entering the cell and managing its natural flow direction while maintaining and protecting the drainage easement to the west. The maximum elevation of the cell cap at closure is approximately 1939 or approximately 35 feet above existing ground. The maximum amount of airspace for waste is 614,075 cy and the life expectancy of the proposed facility is over 40 years. Due to the type of waste that will be deposited, there is no potential for adverse health effects resulting from exposure to pollution or due to the proper/improper construction, operation or closure of the facility.

Neb. Rev. Stat. §13-1703(3) -- The facility is located to minimize incompatibility with the surrounding area and has been reviewed by the appropriate planning commission:

The facility is located north of the existing Recycling Center on ground that was row crop. The proposed facility is designed for controlled access to be requested off of Alda Road. The facility will be fenced and gated for protection. It will include a sorting building for separation of C&D waste and recyclables and a scale to weigh incoming and outgoing loads. The designed road completely around the cell will provide buffer and fire protection while graded ditches will maintain the storm water flow. The access road will be mainly on the west side of the cell for access to the cell. The addition of this access layout will not only handle any possible additional traffic resulting from C&D users, but will also improve the flow of existing recycling traffic.

The Applicant will submit the Application to the Hall County Regional Planning Commission for their review and consideration.

Neb. Rev. Stat. §13-1703(4) -- The plan minimizes danger from fire, spills, or other operational accidents:

As described above, the access and perimeter road will assist for buffer and access in case of fire, while improving traffic flow for the entire site. The use of the sorting floor for recycling loads and scale house inspections for regular users will help prevent unwanted material from entering into the C&D Site. Pursuant to Nebraska Integrated Solid Waste Management Regulations Title 132, no liquid material will be permitted on the site and will be separated for proper disposal in the case of detection. All materials not meeting the requirements to enter a C&D landfill will be sorted and disposed of at a MSW landfill.

Neb. Rev. Stat. §13-1703(5) -- Traffic patterns are designed to minimize impact on existing traffic flows:

Traffic patterns have been discussed in great detail above. This proposal will assist in traffic control and safety by utilizing access off of Alda Road to the scale house. This access would be located approximately 1000 feet north or Old Potash Highway, in lieu of the current access near Old Potash. This will not only assist with traffic flow, but increase traffic safety in the area.

Neb. Rev. Stat. §13-1703(6) – Previous operating experience of Applicant:

Neither the Applicant nor any of its officers or shareholders have been convicted of a felony within ten (10) years of the day the Application is filed. The Applicant's previous operating experience is as follows:

The applicant, O'Neill Wood Resources, LLC is owned and operated by Patrick C. O'Neill. In his twenty years of environmental and demolition work Mr. O'Neill has gained extensive experience in the waste management and disposal fields.

Mr. O'Neill holds licenses as a Nebraska asbestos supervisor / contractor and Nebraska asbestos inspector / management planner. Mr. O'Neill also has training as an asbestos project designer, NIOSH 582E analysis of airborne fibers, Lead supervisor / contractor, lead inspector / risk assessor, 40-Hour Hazardous Waste Operator and Emergency Responder (HAZWOPER) and similar environmental training.

Mr. O'Neill spent ten years as owner of Third Party Environmental, Inc a firm providing consulting services throughout Nebraska and eastern Iowa. Third Party Environmental provided inspections, project designs, management, air monitoring and oversight for asbestos, lead, mold and demolition projects for hundreds of schools, counties, cities, colleges, and private customers. This work involved close and detailed coordination with local, state and federal regulations relating to waste management and disposal.

Mr. O'Neill also founded O'Neill Transportation and Equipment, LLC which provides demolition services throughout Nebraska. This work requires close coordination with local, state, and federal regulation about construction & demolition waste management, recycling and disposal. Recent expansions have lead OTE into C&D recycling and the development of markets for recycled and reclaimed materials.

Mr. O'Neill also founded O'Neill Wood Resources, LLC which provides wood recycling and composting services in central Nebraska. OWR recycles tress, pallets and other wood sources into landscape mulch, animal bedding wood bio-fuel, and compost.

Our professional memberships include the Nebraska Safety Council, Nebraska Trucking Association, National Demolition Association, and the Solid Waste Association of North America.

In addition to the experience listed above, Mr. O'Neill intends to complete the SWANA manager of landfill operations course or equal prior to opening of the landfill. All management employees at the landfill will attend or complete similar training.

O'Neill Wood Resources, LLC

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Patrick O'Neill, President

APPENDIX A

LEGAL SURVEY AND PLAN SET

- O'Neill C&D Site Survey Project No. 2016-1109
- Existing Ground Site Conditions
- Excavation Cell Floor
- Top Closure Plan
- Cross Sections
- Road and Ditch Sections



Survey	Recor	d
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HALL COUNTY, NEBRASKA

Survey of: PART OF THE SOUTHEAST QUARTER (SE1/4)

SEC. 18

Signed this Name:

T<u>11</u>N. R <u>10</u>W of the 6th P.M. Cto VP/ 1201F dav 30 Surveyor's License No.

SURVEYOR'S CERTIFICATE

I, JAI JASON ANDRIST, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION OF PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION EIGHTEEN (18), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION EIGHTEEN (18), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 18; THENCE ON AN ASSUMED BEARING OF NO1"18'49"W, ALONG THE EAST LINE OF SAID E1/2 OF SECTION 18, A DISTANCE OF 591.59 FEET; THENCE N88'41'11"E A DISTANCE OF 4.22 FEET TO THE POINT OF BEGINNING; THENCE S89'02'09"W A DISTANCE OF 2510.04 FEET; THENCE NO0'59'37"W A DISTANCE OF 927.97 FEET; THENCE N89'02'52"E A DISTANCE OF 820.31 FEET TO A POINT ON THE WEST LINE OF 86 FT. DRAINAGE EASEMENT; THENCE NO1'11'12"W, ALONG SAID WEST LINE OF DRAINAGE EASEMENT, A DISTANCE OF 76.55 FEET; THENCE N89'24'56"E A DISTANCE OF 1639.82 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING AN ANGLE OF 20'33'43", HAVING A RADIUS OF 722.17 FEET, AND CHORD BEARING S11'30'01"E A CHORD DISTANCE OF 257.78 FEET; THENCE S01'14'28"E A DISTANCE OF 740.06 FEET TO THE POINT OF

SAID TRACT CONTAINS A CALCULATED AREA OF 2,442,827.01 SQUARE FEET OR 56.080 ACRES MORE OR LESS, OF WHICH 1.02 ACRES ARE COUNTY ROAD RIGHT-OF-WAY.

SECTION CORNER TIES

NORTH 1/4 CORNER, SECTION 18 T11N R10W CORNER WAS LOST WHEN ASPHALT PAVEMENT WAS REMOVED, PLACED TEMPORARY POINT BASED ON TIES AND DISTANCES ON PREVIOUS SURVEYS NW 96.24' TO NAIL IN 32" TREE NNW 101.19' TO NEAR FACE OF SECURITY CHAINLINK FENCE CORNER POST 126.36' TO NEAR FACE OF SECURITY CHAINLINK FENCE GATE POST

NORTHEAST CORNER, SECTION 18 TI1N R10W CORNER WAS LOST WHEN ASPHALT PAVEMENT WAS REMOVED, PLACED TEMPORARY POINT BASED ON TIES AND DISTANCES ON PREVIOUS SURVEYS NW 74.75' TO NAIL IN POWER POLE SE 56.56' TO 1/2" IRON PIPE S 40.00' TO 1/2" IRON PIPE

SOUTH 1/4 CORNER. SECTION 18 T11N R10W FOUND ALUMINUM CAP IN ASPHALT PAVEMENT NW 96.42' TO NAIL IN 34" TREE SE 112.01' TO NAIL IN POWER POLE SW 158.65' TO NAIL IN POWER POLE SOUTHEAST CORNER, SECTION 18 T11N R10W SURVEY MARKER w/WASHER

NW 79.39' TO NAIL IN POWER POLE NE 71.04' TO 1/2" IRON PIPE SW 85.33' TO NAIL IN POWER POLE



PROJECT NO. 2016-1109 O'NEILL C&D SITE SURVEY FB GI 2016-1



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