

PZ-2-16 Apache Junction Landfill Corporation

Proposed Planned Development Major
Amendment



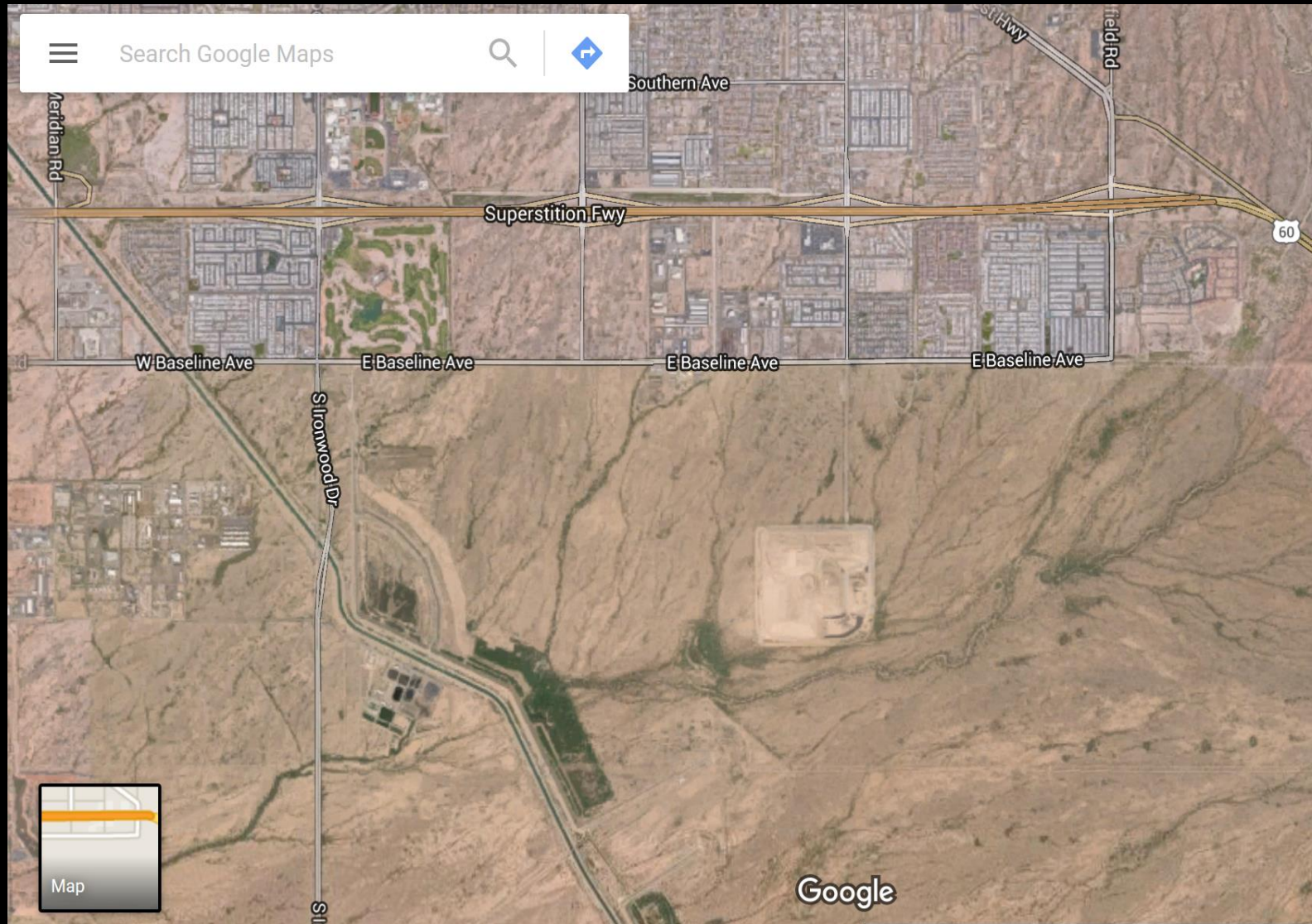
**City of Apache Junction
City Council Meeting
April 19, 2016**



Background

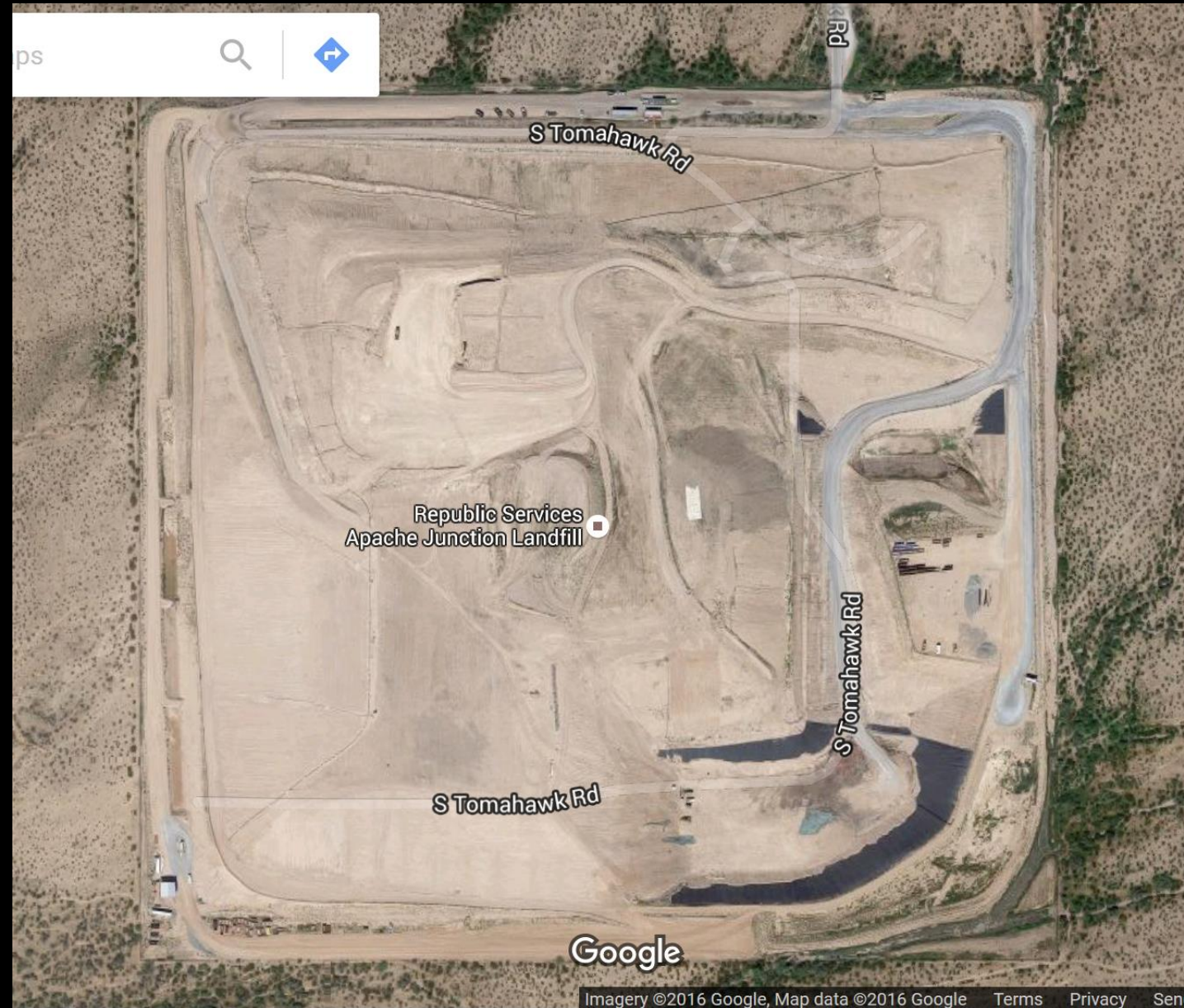
- Landfill opens in late 1950s as private dump, converted to county ownership, then private ownership by Allied Waste Industries
- Under Pinal County jurisdiction until 1988 when annexed to the City
- Allied Waste purchased the 40 acre landfill in 1993
- 1996 Allied Waste purchase surrounding 89 acres from the State Land Department
- Allied Waste sought rezoning of combined +/- 129 acres to bring the property into zoning compliance and to expand the landfill
- Property ownership “transferred” from Allied Waste to Apache Junction Landfill Corporation (current ownership entity)

Location



Location

- Recent aerial of landfill and current location of areas being filled



Current zoning parameters

- July 1997 - Ordinance No. 1034 – Rezoned landfill property from GR (General Rural) to CI-2/PD (Heavy Industrial by Planned Development)
- Ordinance No. 1034 provided:
 - No specific closure date
 - Solid waste storage cannot exceed 1,700 feet above mean sea level (msl)
 - At closure solid waste storage cannot exceed 1,685 above msl
 - Compliance with County, State, Federal agencies
 - Cannot use the site for waste tire disposal or waste transfer site or any other CI-2 use unless related to solid waste landfill uses

Current zoning parameters

- Additional Ordinance No. 1034 provisions:
 - Eventual planned development amendment for:
 - A required six (6) foot decorative masonry fence at closure
 - Post-closure landscaping plans
 - Water utility line (installed)
 - Roadway improvement plans
 - Site plan depicting structures, work shops, offices, gatehouses, weigh scales, etc.
 - Site plan delineating drainage controls
 - Closure phasing schedule
 - Surety for improvements at closure
 - City use at end of active landfill life
 - Future transportation dedications and/or realignments, sight triangles etc.
- City and Republic have/had obligations contained in Ordinance No. 1034
 - Both City and Republic in compliance with existing Ordinance No. 1034

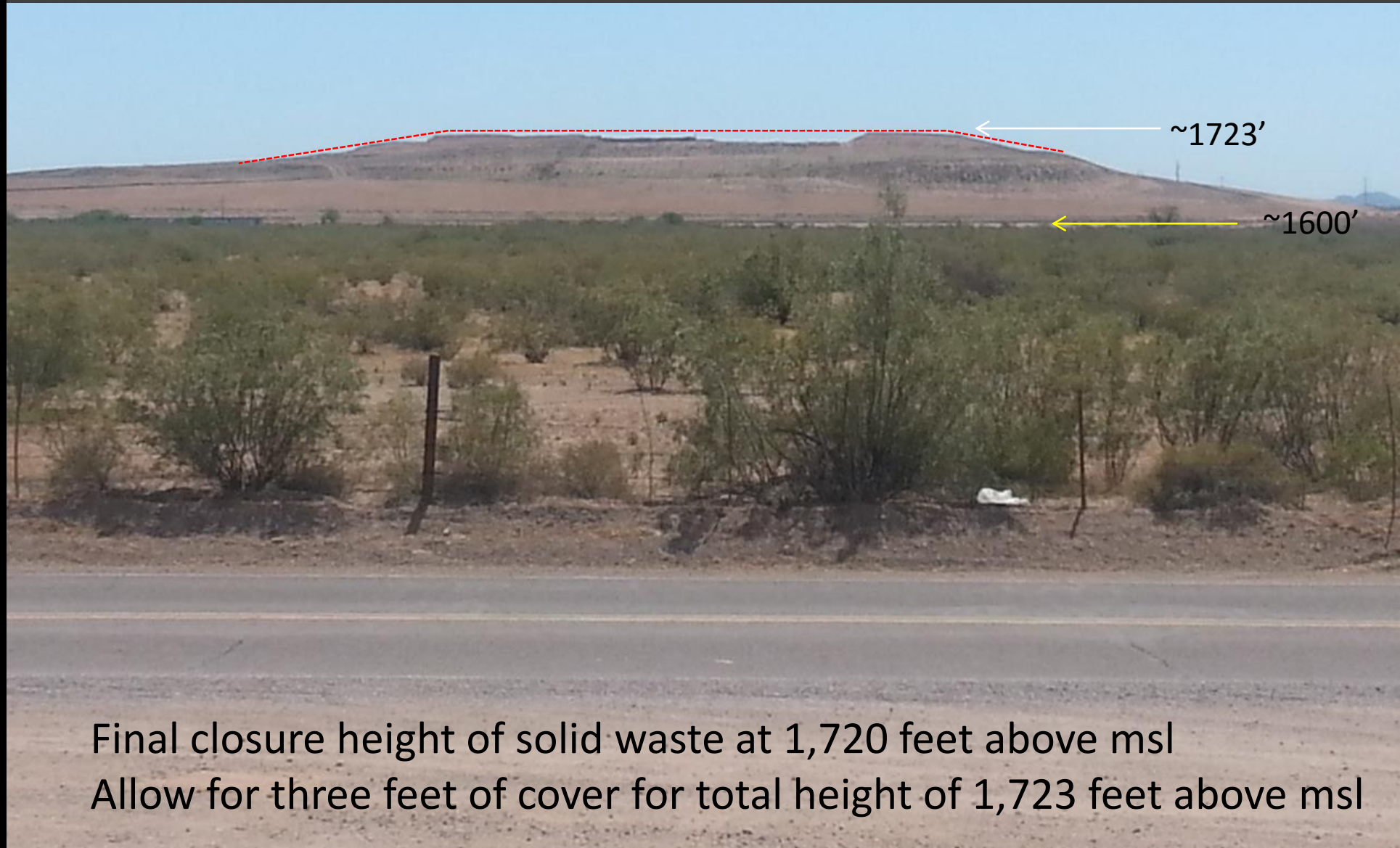
Public Participation

- One neighbor within notification radius – State Land Department
- Notification radius is automatically increased for Industrial Rezoning – from 300' to 500' by city ordinance
- Notified property owners north of Baseline Ave. to U.S. 60 within ¼ mile on each side of Tomahawk
- Held neighborhood meeting on February 11, 2016 – 1 person attended
- Staff has received one phone call and one letter from residents w/in notification area
- Staff received one other letter in opposition containing six questions
- City received today at 4:00 p.m. approximately 35 signed form letters/comments

Proposed PD Zoning Amendment

- Major Amendment -B-5/PD is city's current equivalent zoning designation
 - Establishes firm closure date of December 31, 2035
 - Final closure height of solid waste at 1,720 feet above msl
 - Allow for three feet of cover for total height of 1,723 feet above msl
 - Provide funding to City for post-closure design and reuse plans
 - Continued ongoing environmental obligations by AJLC post-closure
 - Combine the two tax parcels (40 ac + 89 ac) into one legal description
 - Commit to work with the city on infrastructure (water, road and drainage) improvements

Existing ground elevation – proposed final height



Final closure height of solid waste at 1,720 feet above msl
Allow for three feet of cover for total height of 1,723 feet above msl

Staff and P&Z Recommendation

- Staff Recommendation – Approval subject to 11 conditions
- Planning and Zoning Commission Recommendation – Approval
 - Subject to same 11 conditions with amendment to condition #4 changing the closure date to **2025**
 - Added 12th condition requiring that “AJLC will create a natural barrier between the landfill and all neighborhoods, such barrier to be in the form of trees or other natural landscaping to be agreed upon by the City and the Landfill.” (in particular improving the entrance to the landfill at Tomahawk and Baseline in the immediate future)

Questions for staff:

PZ-2-16 Apache Junction Landfill Corporation
Proposed Planned Development Major Amendment

First Amendment to the Agreement of Operation of Municipal Solid Waste Landfill and Related Offsite and Roadway Improvements



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Background

- *2014/2015 Legislative Work Program Item #3. Landfill Closure Ordinance Amendment | Development Services | 4th Quarter*
 - City ordinance requires the owner of the landfill to work with the City on a closure plan. Amendments to the ordinance are needed to clarify and define the City's interests regarding the landfill post-closure. This item was carried forward from the FY 13/14 legislative work plan.
- Staff met with Republic-Allied Waste four times over the past 12 months and also updated the Council during two E-Sessions. Draft terms of a modified operating agreement have been developed for Council consideration/direction.

Negotiation

- Merriam Webster: *“a formal discussion between people who are trying to reach an agreement”*
- **First Amendment to the Agreement of Operation of Municipal Solid Waste Landfill and Related Offsite and Roadway Improvements**
- What brings people to a negotiation table?
Answer: One party wants something... in this case it is the City

Negotiation

- *City wants a definite closure date*
- In negotiations, one looks at the strength of their bargaining position, in this case, the other party; AJLC is:
 - In full compliance with the existing agreement
 - In full compliance with existing Planned Development Zoning Ordinance
 - **AJLC can continue to operate indefinitely under current agreement**
- So negotiations begin: In exchange for a definite closure date, AJLC is seeking to raise the height of the landfill by 35'
- So negotiations continue: In exchange for raising the height, the city wants to increase the host fee and receive funds at closure for a passive park...and so on until both parties reach an agreement

Proposed Operating Agreement

Current Agreement

- No Firm Closure Date
- Waste height -1,685 + 3 feet for cover = 1,688
- Host Fee = \$1.00/ton (w/o increase for life of landfill)
- Free Dump Week
- No transfer station

Proposed Agreement

- Final waste & Firm Closure Date – 12/31/2035
- Waste height - 1,720 + 3 feet for cover = 1,723 (35 foot increase)
- Host Fee = \$1.25/ton immediately
 - Increases by 10 cents every 5 years then 10 cents each year for the last 5 years
- Free Dump Week
- No transfer station

Proposed Operating Agreement

Current Agreement

- Maintain/Improve Tomahawk Rd. from U.S. 60 to Baseline Rd.

Proposed Agreement

- Maintain/Improve Tomahawk Rd. from U.S. 60 to Baseline Rd.
- Acquire title to land from State Land Department for extension of Tomahawk Road.
- Improve Tomahawk Road from Baseline Ave. to the landfill entrance per city Engineer's specifications and dedicate improvements to the City at closure date.

Proposed Operating Agreement

Current Agreement

- Perimeter Fence – 6 foot decorative masonry wall required.
- Closure Plans: Post closure landscaping plans for the entire site with a 150' buffer zone, cash bond for required fence, buffer zone, drainage control.
- City offered site for use.

Proposed Agreement

- City/Republic agree on “perimeter enclosure” type 6 mo. prior to final waste. City to receive difference in cost of 6 foot masonry wall vs. “perimeter enclosure.”
- Closure Plans: City receives \$1,500,000 for park and open space improvements in five (5) installments starting in 2031 up to 2035.
- City use is allowed and Republic maintains ownership/environmental liability.

Proposed Operating Agreement *

Current Arrangement

- City permitted to bring municipal solid waste to landfill four times a year during free dump week. Average is 4,000 tons per year over five year period.

Proposed Agreement

- *** New staff initiated proposal:** City allowed to bring 4,000 tons per year to the landfill anytime. Saves the city from handling the solid waste twice (piling it up then moving it to the landfill four a year).
- Revised agreement has new language covering this.

Questions from April 4th letter

1) How much revenue will the city get if the plan to expand the landfill is approved?

Calendar Years		Year	Rate/ton	Current annual average income	Average income times rate	Annual increase over previous period	Five year total
2016 to 2020		years 1-5	\$1.25	\$250,000	\$312,500	\$62,500	\$312,500
2021 to 2025		years 6-10	\$1.35	\$250,000	\$337,500	\$87,500	\$437,500
2026 to 2030		years 11-15	\$1.45	\$250,000	\$362,500	\$112,500	\$562,500
2031		year 16	\$1.55	\$250,000	\$387,500	\$137,500	\$137,500
2032		year 17	\$1.65	\$250,000	\$412,500	\$162,500	\$162,500
2033		year 18	\$1.75	\$250,000	\$437,500	\$187,500	\$187,500
2034		year 19	\$1.85	\$250,000	\$462,500	\$212,500	\$212,500

19 year cumulative increase **\$2,012,500**

Questions from April 4th letter

1a) Is it worth it?

- Financially the answer is: Depending on actual annual tonnage, the city will receive an additional **\$2.0 million dollars** under the proposed agreement in additional host fees.
- The city will receive another **\$1,500,000** in the last five years of operation to assist the city in funding the reuse of the landfill as a passive park.
- In total, the city will receive approximately **\$3.5 million dollars** more than it would without an agreement.

Questions from April 4th letter

2) What percentage of the landfill is currently unlined?

- The original 40 acre landfill that was started by Pinal County was not lined which is approximately 33% of the landfill. This is before the city and Republic were involved. The remainder of the landfill is lined and has a leachate collection system which collects fluids that migrate down through the landfill.

Questions from April 4th letter

3) What effects does an unlined landfill have on the local groundwater table?

- The city is not aware of any existing groundwater contamination however there are currently no monitoring wells adjacent to the landfill. The landfill is permitted by the State of Arizona, Department of Environmental Quality and groundwater monitoring is not required under the current permit. If the landfill proposal moves forward, it is quite likely that the state will require groundwater monitoring wells and routine groundwater monitoring as part of a permit modification.

Questions from Diana Burns

4) Does this landfill allow medical waste?

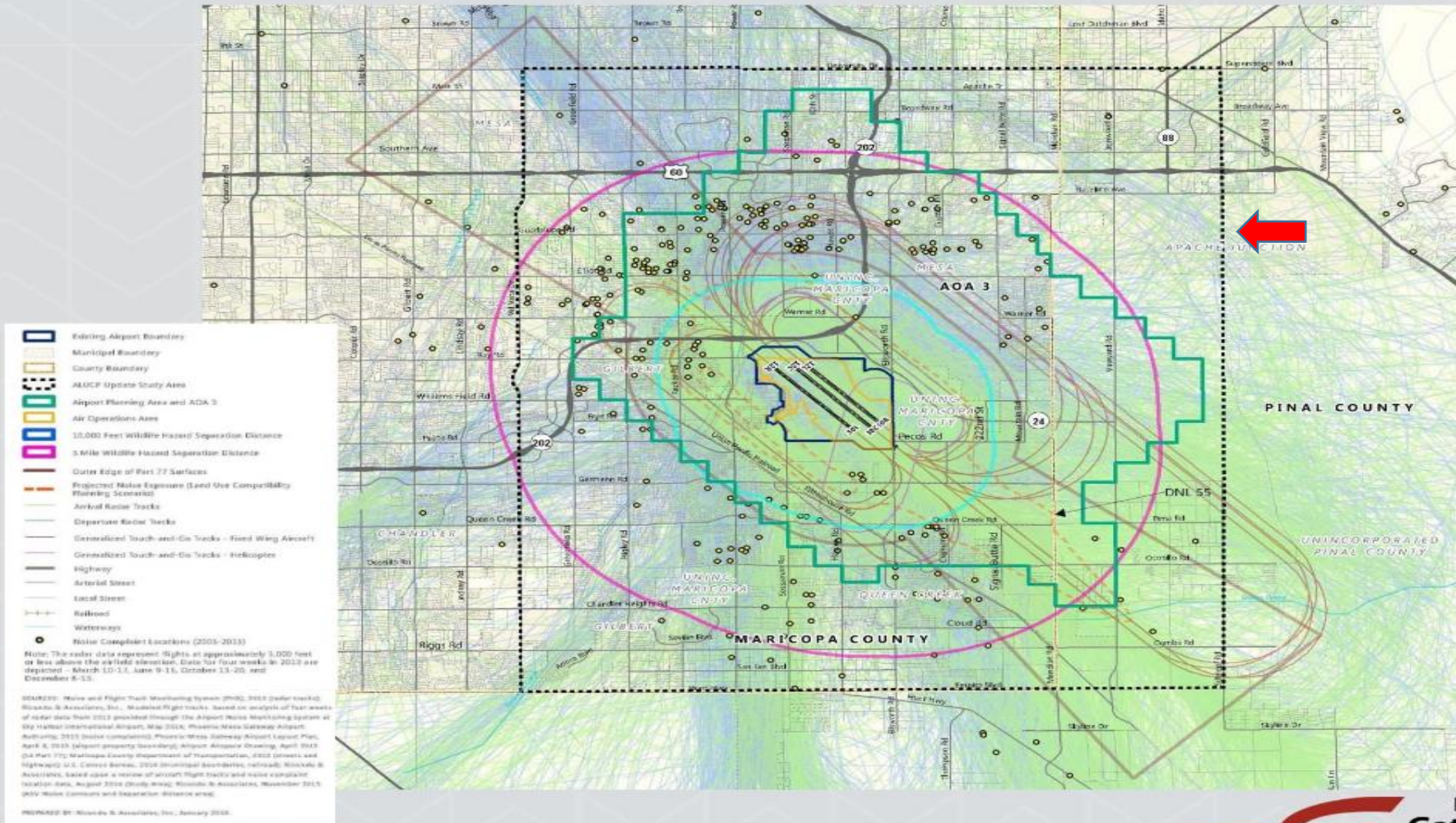
- Yes, the landfill only accepts treated medical waste. The waste is heated and pressure treated in an autoclave by a company called Stericycle. Stericycle is a national company that contracts with the Apache Junction Landfill Corporation (as a customer) to treat the waste prior to disposal.

Questions from April 4th letter

5) Does the continually increasing number of birds overhead near the landfill affect the Phoenix-Gateway Airport flight patterns? Any other flight patterns?

- The Phoenix-Mesa Gateway Airport has three parallel runways all running from the northwest to the southeast. As such, the landfill is not in the direct flightpath of the airport for takeoffs and landings. The landfill is approximately six miles away from the airport and is not known to negatively impact airport operations. Map on next slide is from the current Land Use Compatibility Study that the airport is undertaking.

FAA Wildlife Separation Areas



Questions from April 4th letter

6) Is the current height of the landfill in compliance with the original city ordinance approved to build it? If not, why are we rewarding a company already out of compliance?

- Yes. The landfill is in compliance with the current operating agreement and the Planned Development zoning ordinance No. 1043
- The current ordinance does not prohibit placing dirt above 1685 feet above mean sea level. The landfill owners are storing dirt to an elevation of 1720.

Summary

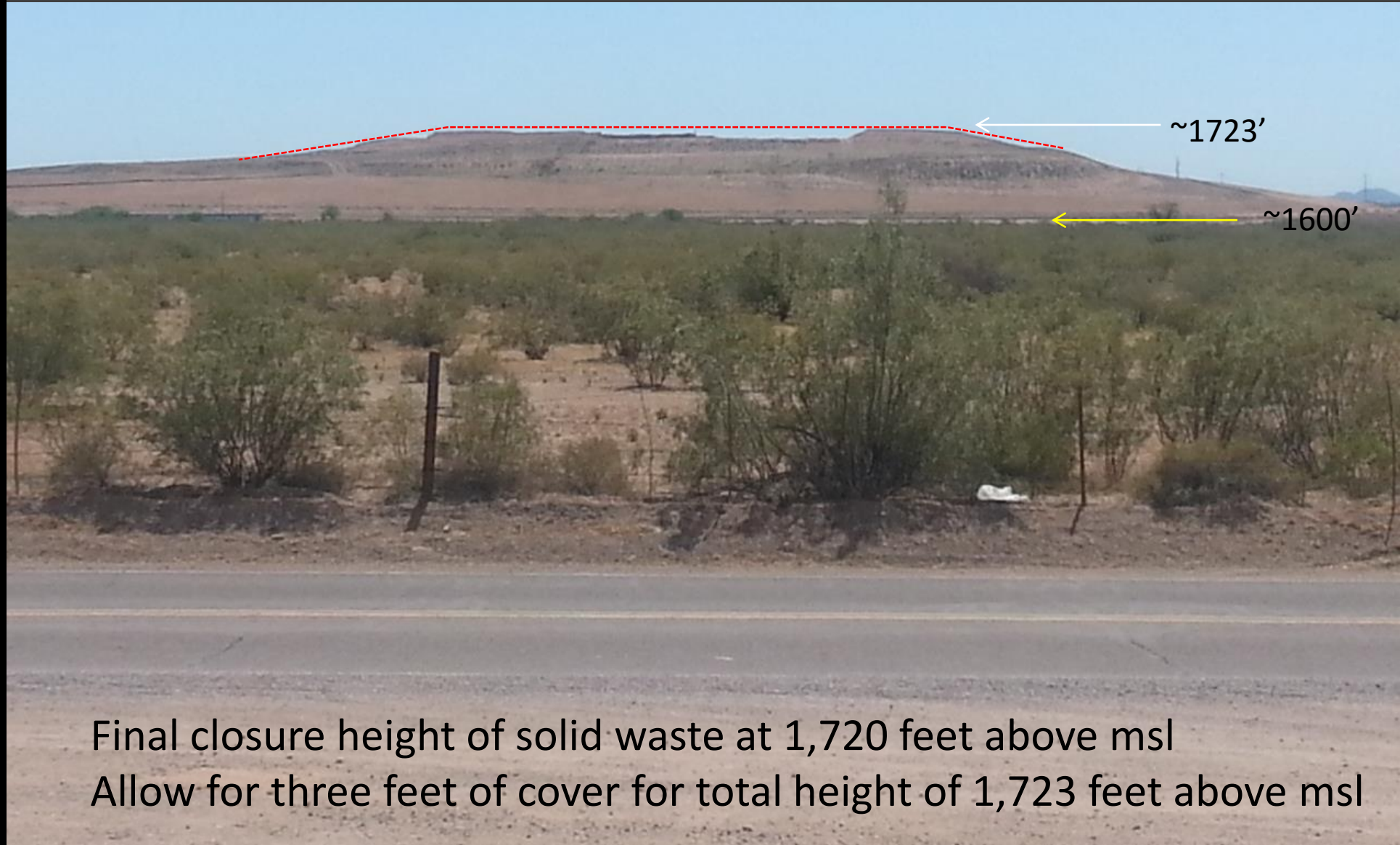
- No current required closure date - **Firm Closure Date Established**
- City receives **\$1,500,000 for park and open space** planning/improvements in five (5) installments.
- Annual revenue increases from **\$1.00 per ton to \$1.25 immediately** (increases revenue approx. - \$60-70,000/yr. from an approx. \$250,000 to \$312,000/yr.)
- Plus an increase of \$.10 cents per ton every 5 years
- Plus an increase of \$.10 per ton per year during last 5 years

Questions/Discussion

- All legislation/ information available at:

<https://apachejunction.legistar.com/Calendar.aspx>

Existing ground elevation – proposed final height



Final closure height of solid waste at 1,720 feet above msl
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