

**BZA SPECIAL MINUTES**

**MAY 1, 2004**

Members present: Charles Addington, Mike Blankley, Gary Moore, Bill Davis and Dale Clevenger.

Members absent: Jeff Prescott and James Trautman.

Staff present: Cathy Flatter, Executive Director; Jamie Stump, Recording Secretary.

Legal representation: Robert C. Oliver.

Others present: See attached sheet.

The meeting was called to order by Chairman, Charles Addington at 9:00 A.M.

Chr. Addington: One of the first things we are going to do is we are going to have to set a date for the next meeting while everyone is here. I think this is a good time to do that. We need to do it between the 10<sup>th</sup> and the 14<sup>th</sup> of May. Does anyone have any ideas. If not I am going to say the 10<sup>th</sup> of May at 6:30 in the evening. Do I hear a motion for that?

M. Blankley: Why do we have to have a special meeting?

C. Flatter: We are going to have to have a special meeting because the agenda for the regular meeting, we've got too many petitions on it to hear Randolph Farms also.

Chr. Addington: We need it between the 10<sup>th</sup> and the 14<sup>th</sup>. It doesn't make any difference to me. Whatever you guys decide on.

G. Moore: Is the 10<sup>th</sup> a Monday?

Chr. Addington: Yes it is.

B. Davis: That would work for me.

C. Flatter: Gary?

Chr. Addington: All I need is....

C. Flatter: Wait a minute. Gary is thinking.

Chr. Addington: Okay.

G. Moore: I think I am on fire duty but I can get someone to come in for me.

C. Flatter: We can have it a different day rather than you change your work schedule. Gary is working that night.

Chr. Addington: Oh he is? Okay how about the 11<sup>th</sup> on a Tuesday? All in favor say aye. "Ayes". Opposed (none). We are going to set the next meeting on the 11<sup>th</sup> of May at 7:00 P.M. Is regular time okay or do we need to have it earlier?

C. Flatter: I would say we need to just go with the regular time.

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Chr. Addington: We thought we would do that while everybody was here and know about that.

C. Flatter: It will be in our regular meeting room. The conference room of the CFO Building.

Chr. Addington: Then for everybody's information this meeting today will be just an input meeting. There will be no questions asked. We are going to take a bus tour. Mr. Fine is going to give us some information that we need and the way I understand it, there won't be enough room on that van for everybody so Gary is willing to take another load the way I understand. Is that right?

G. Fine: Afterwards if there are people who would like to tour the landfill we would be glad to do that. I think it is important that the board sees it first.

C. Flatter: Yes Charles?

C. Cantrell: Charles Cantrell. I request that there be one individual from our organization in each van.

Chr. Addington: That would be great as far as I know.

C. Flatter: I think there would be room for more than just one. How many passengers in the van?

G. Fine: About 15 passengers.

Chr. Addington: There is 8 of us, we can still handle 6 more maybe.

B. Oliver: You have the driver and Gary too.

G. Fine: I think you can get 3 on the last seat and 2 on the other two, comfortably. We can squeeze one in there.

C. Flatter: The only reason we are doing this is because we are going to have to record and we can't have two vans because Jamie can't record both vans at the same time, so that is why Gary would be glad to take the tour after we adjourn.

C. Cantrell: Right so really there will only be one van, the official van. I just want one person from our organization in that van.

Chr. Addington: That will be possible.

C. Flatter: That is fine.

B. Oliver: You have to remember that too, board members and public. Gary has a tape recorder and he will be doing the talking so keep your own comments, either my secretary or Jamie is going to have to transcribe that tape and this is just the start of their meeting procedurally if you want to know how conceptualizing it. We called the meeting, it is as if we were in the conference room at the RYC building, Gary is presenting his case, it stops, we pick it back up on the 11<sup>th</sup>, he goes ahead and then we go by I suppose to see where we are it may be that Gary finishes his case.

C. Flatter: Just write down any questions that you have and they will be asked at that next meeting.

B. Oliver: There is a good chance that if he finishes his presentation, we may move it to another week for you guys. I guess our clock will kind of dictate as you remember from the times before, we've had kind of a series just, nobody wants to be there until 1 o'clock in the morning so midnight or eleven, I can keep bringing that back too. We will play that part by ear, but that is the procedure but do remember he will be the only one on tape. Are there going to be two trips?

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B. Oliver: I think the board will all leave as far as the official. If you take another van out I don't know that you need to tape that because ....

C. Flatter: I told Charles that when the Board of Zoning Appeals gets back from the first tour that we are taping we can adjourn our meeting and then if Gary wants to take anybody else after that then it is not part of the Board of Zoning Appeals meeting.

B. Oliver: Sounds good.

Chr. Addington: That is the way we are going to do it. As soon as this, I don't know if there is anything you want to say before we get on the bus, if there is I guess you can.

G. Fine: I just want to orient everybody with where you are. I think everybody knows this is 600 South and here we are. The orange part is Randolph Farms, parcel A, where we are sitting right now is the expansion area and parcel B, to the north and we will see that once we go north on the landfill. The gray area is property that is owned by us.

Chr. Addington: When we get back from that first bus trip, the meeting will be adjourned but you guys that don't go on the first trip, Gary will take you if you want to go.

B. Oliver: Are you taking out two buses right now?

G. Fine: Just one.

Chr. Addington: We are ready for the bus tour.

(Jana transcribes the minutes from the bus tour with Gary Fine. See attached sheet)

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Members absent: Jeff Prescott, James Trautman

Staff present: Cathy Flatter, Executive Director, Jamie Stump, Recording Secretary.

Legal representation: Robert C. Oliver, Jr.

Others present: Gary Fine, Randolph Farms; Danny Tinsman, Driver. See attached sheet.

Meeting of the Board of Zoning Appeals of Randolph County, Indiana, held at Randolph Farms, Inc., 7256 West County Road 600 South, Modoc, Indiana, at a house building, was called to order by Charles Addington. The format for the meeting was stated that petitioner, by Gary Fine, would give a driving tour with Board Members, Cathy Flatter, Jamie Stump, board attorney, and representative(s) from the remonstrators as space allowed. Gary Fine, petitioner's representative, would present the petitioner's evidence, and individuals in the van were encouraged not to talk or ask questions, as this is petitioner's first presentation of evidence and taping would be by hand held tape recorder with Gary Fine. Meeting would continue on May 11, 2004 at 7:00 o'clock P.M. at Commissioner's Room, Winchester, Indiana.

(Driving tour commenced with above and Danny Tinsman as driver and Charles Cantrell and John Zakelj for remonstrator.)

G. Fine: Ok, the landfill was started in 1975, at the time the landfill was started, the governing body was the State Board of Health. IDEM was created in 1986 and the Balkimas bought this facility in 1987. The southwest corner of the landfill is this fence row that we'll be approaching up here with the next telephone pole. Every truck that enters the landfill pulls onto the scale right here, the loads are checked, the counties recorded, and of course we get the weights. Up on the, to the right here, that you, the white stick ups that you see up there, are methane gas wells, we've got approximately 102 methane gas wells on the old part of the landfill. This is the old part of the landfill, 51.9 acres of, out of that, there's approximately 37 acres that are certified closed. You see the windmills up there, we've got 4 windmills that pumps water from the old part of the landfill. Going across the southern part right here at the toe of the trash is a 10 inch header pipe for the, that collects the methane gas and transfers ports it over to the evaporator and, and flare over there. On the right here its 435,000 gallon basin for leachate. Leachate is rain water that percolates down through the trash, its collected at the bottom of the landfill, pumped up over the landfill through a force main pumped into the basin here. From the basin it's pumped over to the evaporator. In 2003, we collected approximately 4,000,000 gallons of leachate and evaporated about 340,000 of that.

(INAUDIBLE PERSON IN THE BACKGROUND)

G. Fine: I'm sorry?

(INAUDIBLE PERSON IN THE BACKGROUND)

G. Fine: Now the flare, our blowers are run by the Chevrolet engines here, they run 24/7, 365 days a year, pulling the gas off the landfill. The flare right behind it there, we have to keep the temperature of the flare at a certain degree to burn the VOCs that are emitted into the air, but the temperature of the, there's 2 probes there. The bottom temperature has to be about 575 degrees and the upper temperature has to be a little bit less than that. In this building here is the evaporator where the water goes that is evaporated off of off the landfill where the water is. Over here to the right, this used to be Indiana Gas had storage leases over here and the caverns are approximately 1100 feet beneath the ground, at the end of last year they abandoned all those, wells and storage leases and pulled up the wells that, we had some wells along the road here. These with the rings around them are ground water monitoring wells, we have ground water monitoring wells located approximately every 500 feet around the facility monitoring 2 different layers, 2 different aquifers, the first water bearing unit is approximately 35 to 45 feet below ground and the second one is at about somewhere between 110 to 120 feet below ground. Our drinking water well here on site is in bedrock, it's at like 215 feet. Along with the windmills pumping the water, we also have some perimeter drains along this side of the landfill. Back in, when the, Department of Health had, you know, had the rules, there wasn't very many regulations early on, the EPA and came out with their Subtitle D requirements in the early '90s and, which they gave each, each state the authority to adopt rules to model the EPA's rules. They could be more stringent, but they couldn't be less stringent. When the IDEM adopted their rules, they actually were more stringent, they require a thicker clay base underneath the landfill, 3 feet of re-compacted clay, it is put in a 6 inch lifts, then you got a 60 mil HDPE liner that goes over the clay. Your leachate pipes go in, the leachate pipes are 8 inch PVC schedule 80 pipes, they're located 100 feet across the bottom of the landfill. The area to the north here is Parcel B. Out about 700 feet is what we have used for our borrow area. Our clay, for our clay liners. We had, well we had sand down about, oh, somewhere between 5 and 10-12 feet or something like that, and then there's about a 20 to 25 foot thick clay barrier there. The soils back here are excellent for landfill design. We just did some borings just to confirm that and that clay goes clear across the back of this landfill and some, in a lot of places it's thicker than 20 feet, but we have to prove that it is at least 20 foot thick. Of course, blowing chewing gum wrappers is one of the big problems you have in landfills, so we got a lot of litter fence up here to try to catch the litter before it leaves the site. Back here on the right, it looks like he's stirring up some compost, you see the steam coming off that. Now out here like I said when we did these borings, we put in pizometers, and the pizometers are just, almost exactly like ground water monitoring wells, but they're temporary. That means that we'll take them out eventually. But the reason we want to put those in, we want to, we want to check the water level, we want to do a purge test to see how much water we can get out of that sand seam and how fast it recovers. And then that's how you establish your background, you take go ahead and do a lab test, send it to soils lab, and analyze it, and see what your background is. This is up grade. Your ground water at this site flows from the northwest to the southeast. The surface water, we've got 3 discharge points here on site, one southeast, one's northeast, but the main one is off to the northwest here. The surface water rules has changed a little bit in the last year, they require more testing of sed basins now. Our sed basin is located down here probably 2000 feet or so. But we'll have to, we'll sample that at different storm events to make sure that there's nothing that's coming off the landfill.

D. Clevenger: What's in your compost pile over there?

C. Addington: Mr. Tinsman, can you turn on a little air, please?

D. Tinsman: Yes, sir.

G. Fine: The compost is tree limbs, grass, clippings, that type of material. Last year we collected about 3500 tons of yard waste type materials that goes into the compost pile. Now down here where you see the tank that's where our leachate collection tank is located underground, a header line. The leachate pipes are approximately 100 feet across the landfill, then there is a header line that takes the leachate to this tank, from there pumped through forced main back over to the basin, and then it goes to the evaporator from there.

(INAUDIBLE VOICE)

(INAUDIBLE VOICE)

G. Fine: The material that you see here in the compost pile is ground. Most of it comes from Delaware County, it's ground over at East Central Recycling facility and we haul it back over here. All the concrete and clean fill that that comes into the facility, we try to keep back here, periodically every 7 to 10 years we will bring in a crusher and crush that up and use it on the roads to the facility. Straight ahead of you, you see the 36 inch pipe. That's a perimeter drain that comes clear around the landfill, dumps the water into here and then straight north of us right here is a, we've got a sluice gate down there where we can release the water, control the release of the water.

(INAUDIBLE VOICE)

G. Fine: If you look, if you look at the slope here, this fence row over to the right to the toe of the trash is 50 foot. That is the required set back. That is the main reason we do not want to construct out on that, out next to that county road. I mean it's just natural that it goes north, it makes sense, the soils are good, but as you can see there's not much, 50 foot set back is not very much at all. Property to the, to the right over here is owned by Lee Chamberlain, then there, we have 2 other abutting property owners that are affected by our application, Bosworth and Cougill, and both of their properties are to the north there.

C. Cantrell: You have Parcel A and Parcel B. But, which one would you go to first, A or B?

G. Fine: If we, if we would go straight north, if both were approved. That's approximately 2800 feet from here to the County Road 500 South there.

C. Cantrell: You mean the north edge of that parcel is within 2800 feet from where?

G. Fine: The toe of the trash from where we're at now north to the county road is approximately 2800 feet.

C. Cantrell: I see.

D. Tinsman: Cool enough back there?

C. Flatter: Yeah, feels good now (inaudible).

G. Fine: Now this contraption setting here is our back up tipper up on the working face in case we've got a tipper that we tip our transfer trailers with Randolph Farms owns 5 transfer stations, 2 of those transfer stations waste comes through this facility. East Central Recycling out of Muncie and Madison Avenue Transfer Station out of Anderson, and we learned that we can maximize our load and get better payload on by using the tipper trailers.

(INAUDIBLE MAN'S VOICE)

G. Fine: These are the leachate pipes, these rings that you see along to your left there, we've got a gas well hooked into that to pull the gas off also, but if we, if we notice that we're not generating the leachate that we should be, we can go in and check that pipe and make sure that something hasn't got in it, and we can route it out if we need to or repair it. Off to the right here is Parcel A. That's the house that we were at, just at up there on the road. We've got

several of our trucks out this morning, we've got 3 town clean-ups. Ridgeville, Selma and Germantown. East Germantown. They're having their town clean-ups. But typically, this time of year we're pretty busy in those types of clean-ups. This road that's going north and south here kind of divides the landfill in between old and new, like I said there's 37 acres of the old part of the landfill that's certified closed, it's got the final cover on it with the clay cap. Now the new design for closure of today's landfill, they say if you've got the liner underneath, a synthetic liner underneath your landfill, then you have to have one on top. So you've got, you've got a 6 foot of a combination between gas fitting layers and clay barriers and protective cover a 60 mil liner on top. Before you can take your first shovel full of trash into the landfill, you have to, of course, construct your landfill, you have to set the money aside for closure of the landfill and then you have to set the money aside for post closure. That the, for 30 years after the landfill is closed you still have to perform the post closure activities at a landfill. Now all that money is set aside and is controlled by the IDEM. Currently at this site, the fund now is at, is a little bit over 400 or 4.5 million dollars. You have to adjust that annually with the inflation factor and we have to do that by February the 15<sup>th</sup> of each year. Turn left. This property across the road is owned by the Balkimas. We lease or cash rent our farm ground out, and the local guys farm it. Joe Jennings farms a part and Lee Chamberlain farms some of it, Dean Lester, Ronnie Chalfant's got a piece. Verlin Jones farms some of it, Allen McCormick farms some.

(INAUDIBLE)

G. Fine: Yeah, it wouldn't hurt to go around (inaudible). Ground water monitoring wells there. One right here at the corner of the woods, one of them out there about 200 feet. We'll take a quick ride around the block here to let you see from the north looking south, it'll just take us a few minutes.

D. Clevenger: Gary, is there a reason for planting trees around the (inaudible).

C. Addington: Shut that down just a little, Mr. Tinsman, if you would.

D. Clevenger: (evergreens)(inaudible)

G. Fine: That's just something that the Balkimas like. They like to ...

D. Clevenger: Uh, I wondered if there was a reason, or (inaudible).

\_\_\_\_\_ : You can take them around one more time.

D. Tinsman: Hang on, I'm going to get up to speed now.

G. Fine: Through East Central Recycling, Best Way Disposal and Randolph Farms, we employ approximately 80 people. A lot of them live in Randolph County.

C. Flatter: Gary, can you speak up just a little bit?

\_\_\_\_\_ : Speak up a little bit so she can hear. Did you hear?

G. Fine: I heard it. I said, in between East Central, Randolph Farms and Best Way Disposal, we employ about 80 people. That fluctuates with the season, this time of year we'll probably add 5 to 10 more for mowing crews. We mow all the side ditches and we've got a lot of grass around here to mow. Uh, of course we pay the local taxes, the property taxes, the employment taxes, but, I think in our next presentation, I'll be able to show the economic impact that this facility has on Randolph County's and the economic development area. One thing I probably forgot to mention when we was going past the gas system here, last year when they had the gridlocks out on the east coast, you know the electric problems that they had, well the federal government is trying to fix that problem so it doesn't happen again and they made some money available to the utility companies, we've been contacted by a guy from Wayne County REMC called me here awhile back talking about putting a generator at the facility to generate electricity

using the methane gas. So I think that's a, there's a very good chance of that happening. I hope it does. Ok, Parcel B starts right here at this corner post right here.

(INAUDIBLE)

G. Fine: The whole, the whole thing....

C. Cantrell: And you're asking that the whole, this whole area be...

G. Fine: That's correct.

C. Cantrell:...facility?

G. Fine: Right, facility boundary. Now there's set backs the State required set backs from roads and houses and things like that the accessory uses and everything we do in our operation is what we're asking for. Now this property right here to your, to my right is Cougill owns this parcel. Our sed pond and sluice gate's right straight south of us right now, we release that water goes in behind the house through a ditch and it crosses the road right down here in the low part of the road. Yeah, the, I'm sorry, the property behind us there, goes from where I showed you where the water goes is Bosworth's property. Then Cougill picks up again right in here. I think we've got 9 rental houses that's around on the property that we own. In this little woods right here, is a little cemetery where they bury old landfill operators in there, back there in the corner.

(LAUGHTER)

B. Oliver: Unmarked, right?

G. Fine: Yeah. Uh, right up here, this picks back up on Lee Chamberlain's property. We own in behind, back there of the barn, see the toters out there, that's evidence in a lawsuit we're in. We'd love to get rid of that material, but it would, until the lawsuit's over, we can't get rid of it, so.

D. Clevenger: When you get them dumpsters in, I know.

G. Fine: Oh, you're right. No, we can't accept tires, and we'll pick them out of the, we're required, there's, of course, a lot of things that are banned from landfills, I'm not going to get into that, it would take up a lot of our time, but tires is one of them, and tires are a big problem, especially when the CR 3 burnt over in Delaware County last year. We collected seems to me like it was 15,000 tires last year, and after CR 3 burnt we entered into an agreement with Elk Distribution out of Elkhart, Indiana. They chip the tires and they're used in the incinerators around Chicago for alternative fuel. Then, this property here on your left is still Lee Chamberlain's property.

Return to house/tour ended; meeting adjourned.