

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF DECEMBER 2009 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairperson, Tom Holt, with the following members present: Tom Lantz, Meg Wolgamood, Steve Warner, and Jeff Burbrink. Staff members present were: Robert Watkins, Plan Director; Duane Burrow, Senior Planner; Robert Nemeth, Planner; Dan Piehl, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Burbrink/Lantz*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 12th day of November 2009 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Warner/Burbrink*) that the legal advertisements, having been published on the 28th day of November 2009 in the Goshen News and the 30th day of November 2009 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Burbrink/Lantz*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. With a unanimous vote, the motion was carried.

5. The application for a zone map change from A-1 to a Detailed Planned Unit Development-A-1 to be known as **CHAIR SHOP / SAWMILL DPUD-A-1**, for Lawrence & Anna Ramer represented by B. Doriot & Associates, on property located on the North side of CR 38, 2,185 ft. West of CR 11, common address of 25445 CR 38 in Harrison Township, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #090803-25445CR 38-1*.

Present on behalf of this request was Blake Doriot of B. Doriot & Associates, P.O. Box 465, New Paris. A letter dated August 28, 1980, and an attached narrative were then submitted to the Board [*attached to file as Petitioner Exhibit #1*] by attorney Loren Sloat who was also present in addition to the petitioner, Lawrence Ramer. This letter is from the Elkhart County Health Department and it indicates that restroom facilities are provided in an adjoining building within 500 feet, so the installation of a holding tank is not required for the workshop. The letter also indicates that there is a drinking fountain inside the workshop and the effluent is discharged to a field tile to the east of the building, which is an acceptable method of disposal.

According to Mr. Doriot, this site has had some problems over the years and is the typical home workshop that has grown beyond its original intent. There have been some expansions, and he said a saw mill was moved in so the purpose of this petition is to bring this site into compliance.

Mr. Doriot then noted that no neighbors were present in opposition to this request. He said the closest neighbors are about ¼-mile east and ¼-mile west, with the exception of a very large

dairy farm located across the street.

Due to some setback problems, Mr. Doriot explained that Mr. Ramer has purchased an eight ft. strip (along the north property line) from the adjoining property owner, Ivan Martin, to meet the setback requirements. He then reviewed the 1980 letter from Don Schnoebelen of the Elkhart County Health Department (Petitioner Exhibit #1) with the Board. If the economy gets better and Mr. Ramer has to expand beyond the three outside employees, he said they are committing that they will come back and do Phase Two. He then concluded saying they agree with the staff's recommendation.

There were no remonstrators present.

A motion was made and seconded (*Lantz/Burbrink*) that the public hearing be closed and the motion was carried with a unanimous vote.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Burbrink/Lantz*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request be approved as presented and in accordance with the Staff Analysis with the following condition imposed:

1. That all requirements for an application for a DPUD will be submitted for review and approval before any additional employees are hired; or before the real estate/business transfers ownership.

The motion was carried with a unanimous roll call vote.

6. There were no audience items.

* (*It is noted that Mr. Doriot took a seat on the Board at this time.*)

7. The staff item in regards to the ***Town of Bristol*** was presented by Mr. Nemeth at this time. He explained there is a block in downtown Bristol at the southeast corner of Vistula and SR 15, which is the Bristol Pipe Company. The property is currently zoned M-1 and the business is closing. The surrounding area is all B-2, so the Town of Bristol is requesting to initiate a re-zoning of this block. Mr. Nemeth explained the handout he gave the Board explains the three different ways to initiate a re-zoning. If you own 50 percent of the property, you can initiate the re-zoning, the Plan Commission can initiate the re-zoning, or the legislative body can initiate the re-zoning. The staff would like to know who the Plan Commission would like to initiate the re-zoning. Mr. Nemeth then indicated that the owner of the property would like the zoning to stay M-1.

Mr. Burrow then clarified they are in the process of securing a sale.

Mr. Kolbus noted that if deemed appropriate, the Town Council would initiate the re-zoning.

Mr. Doriot explained he would not re-zone someone's property that doesn't want it re-zoned. Unless the Town of Bristol is compensating the landowner for loss of use of their property, he doesn't feel it would be appropriate.

Mrs. Wolgamood agreed, but she questioned why they would want to have the property re-zoned because they want an appropriate retail business zoning. Any retail business is allowed in an M-1 zone, so she doesn't feel there is any need to change it.

Mr. Nemeth said he understands that with the M-1 zone and the Bristol Pipe Company, the trucks are loading/unloading in the right-of-way, which is causing congestion in the downtown

area.

Mr. Kolbus feels that if the Town of Bristol wants to initiate the re-zoning, they should file the application. He indicated the Plan Commission needs to make a formal response to the letter.

Mr. Burrow said they did ask for input from a local Attorney representing North American, who owns Bristol Pipe Company, but no response has been received.

A motion was then made and seconded (*Wolgamood/Doriot*) that the Plan Commission declines to initiate the re-zoning of this property. A unanimous vote was taken and the motion was carried.

8. The staff item regarding the *Fee Schedule* was discussed at this time. Mr. Watkins explained that last month, they proposed adding some additional fees for the Administrative Subdivision process. One thing that was requested was that the staff show the existing fees, which he said were included in the Board's packets with the proposed fees shown at the bottom left hand side of the handout. Mr. Doriot questioned if there are increases in the existing fees, but Mr. Watkins said no. There have not been any changes other than the new fees, and he clarified the waiving of fees was added last month.

Mrs. Wolgamood recalled that last month the Board decided to give those board members who were not present an opportunity to read the minutes, and if warranted, they would again discuss the five proposed fees this month.

Mr. Holt suggested the request be tabled until they have a full board.

In further discussion, Mr. Watkins said this is the first change that has been proposed since the previous fee increase prior to 2005, and this change was proposed specifically because of the new classification of Administrative Subdivision.

Mr. Doriot indicated he is opposed to additional fees at this time. He feels they should stay as they are because there is too much on the public as it is and it doesn't appear that government is cutting back. However, Mr. Watkins reminded the Board they have cut a significant amount out of next year's budget and there will be additional cuts in the coming years.

Mrs. Wolgamood said she does not disagree with adding fees for what is being proposed, but she too feels this is the wrong time to do it. She suggested re-visiting this in six to eight months.

A motion was made and seconded (*Doriot/Wolgamood*) that the proposed application fees not be included in the fee schedule with the proposal to be re-visited in six (6) months. The motion did not carry with Mr. Burbrink and Mr. Warner voting in opposition.

Mr. Burbrink said he'd like to know what the workload is in relation to other types of permits to make sure the fees are related to the amount of work that is involved. Mr. Watkins said that was his hesitation at the last meeting, and after having a chance to review that, he feels the fees are reflective of the amount of staff time that goes into this particular application. He added that the staff's feeling is that it's just another type of subdivision and shouldn't be exempt from fees because the others are not.

After further discussion, a motion was made and seconded (*Burbrink/Warner*) that this request be tabled until the January 11, 2010, Plan Commission meeting. The motion did not carry with Mr. Doriot voting in opposition.

9. At this time, Mr. Watkins submitted an email he received yesterday from Bruce Palin of IDEM [attached to file as Staff Exhibit #1] with regards to the VIM Compliance Report. Contained in this

email is IDEM's position on the various activities and a summary of facts relevant to the VIM site located in Elkhart. (Included with this memo was an email to Mr. Watkins from Mara Snyder, Director of Legal and Code Services of the Indiana Department of Homeland Security, dated 12/4/09. This email requests clarification of Sections 9.2 and 9.10, which they indicate are not accurate. Also included is a letter to Mr. Watkins dated 12/1/09 from Ken Will regarding the Compliance Report for KC Industries, LLC; copies of a visitor's register at the site; a copy of IDEM's Notice of Approval and the Operating Permit issued on April 8, 2009.) (*See page 4, item #13 for further discussion and action on the compliance report on conditions of the September 2, 2008, rezoning under Ordinance No. DPUD PC08-11 for VIM.*)

Mr. Watkins went on to explain that the Zoning Ordinance Steering Committee started considering a Comprehensive Thoroughfare Plan for Elkhart County, but he said nothing was ever done with that. He then provided the Plan Commission with a copy of what the Steering Committee came up with, a copy of the ADT results for arterials from the Elkhart County Highway Department, and a copy of the MACOG 2035 Transportation Plan. As part of the Subdivision and Zoning Ordinances, he said this is something they need to be considering next year so he wanted the Board to have time to review it.

10. In an update on the Zoning Ordinance re-write, Mr. Watkins explained that the Steering Committee has completed their review of Draft 'A' and we all, including the public, should be seeing Draft 'B' before the end of the month.

11. The ***Agreement for Legal Services for 2010*** was presented for acceptance at this time. Mr. Doriot moved that the Advisory Plan Commission accept the 2010 Agreement for Legal Services (*see attached*), and the motion was seconded by Mr. Holt and carried with a unanimous vote.

12. It was determined that the nominating committee for the ***2010 Slate of Officers and Appointments*** would be the Executive Committee, which consists of Mr. Holt, Mr. Burbrink, Mr. Doriot, and Mr. Yoder. With the exception of Mr. Yoder who was absent, they decided they would meet at the conclusion of the regular meeting.

* (*It is noted that Mr. Holt stepped down from the Board at this time due to a potential conflict of interest.*)

13. A compliance report on conditions of the September 2, 2008, rezoning under Ordinance No. DPUD PC08-11 for ***VIM*** was presented by Kenneth R. Will, President of VIM Recycling, 64654 US 33, Goshen, at this time. (*See page 4, item #9 for previous discussion on this matter.*) A copy of the compliance report [*attached to file as Petitioner Exhibit #1*] dated December 10, 2009, was submitted to the Board, and he introduced Paul Ruesch from USEPA (United States Environmental Protection Agency) and Chris Marbach from Marbach, Brady, and Weaver.

Mr. Will explained VIM Recycling had three or four significant events happen in 2009. The first one was that they received their Title V Air Permit at the Elkhart facility on April 8th, which allowed them to grind all three types of wood (hardwoods, green woods, and mixed woods). He feels this was a significant event for them because they had been waiting for two years to get it renewed.

When Mr. Burbrink questioned who issues that permit, Mr. Will indicated the Indiana

Department of Environmental Management (IDEM).

Later that month, Mr. Will explained the USEPA became involved with the VIM facility. They entered into an agreement called the Administrative Consent Order on June 29th to remove the "C" pile. The Administrative Consent Order allowed them to screen the product, and everything plus four inches had to be removed from the site and everything minus four inches was allowed to remain on site. Mr. Will indicated they have removed 80,000 yards to the Elkhart County Landfill of the plus four inches, and about 55,000 yards have been windrowed at the facility. They are due to be completed this week and the Administrative Consent Order will be over on December 31, 2009, so he feels they are staying on target.

Mr. Will then explained they entered into a joint adventure with Soil Solutions to get the compost top soil. They currently have the USEPA in support of them and they are working with Soil Solutions to get IDEM to give them a marketing and distribution agreement, which would allow them to move the 55,000 yards of product and certify the berm. As of right now, IDEM has technically issued a Marketing Distribution Agreement to Soil Solutions, but it will be hitting its 30 day period this week or next week. Under VIM, that same permit had been issued and there was no public comment, but they had to go back after the fire. He feels these three major events are moving VIM forward.

Paul Ruesch, Environmental Engineer with USEPA Region 5, Chicago, was present and he explained he is the Project Manager for the implementation of the Administrative Consent Order that Mr. Will entered into on behalf of VIM Recycling. When Mr. Doriot asked if he is totally working for the USEPA with no financial agreement, Mr. Ruesch indicated that is correct.

The USEPA approached Mr. Will in May and identified a problem with open burning on the surface of the "C" pile. The inspection was on May 5th and the Notice of Violation was issued on May 8th. When you have a Title V permit, you can't have open burning and the smoke and odor was affecting the surrounding residents.

In a Power Point presentation, in which a paper copy was submitted to the Board *[attached to file as Petitioner Exhibit #2]*, Mr. Ruesch explained the lawyers from USEPA and the lawyers from VIM Recycling sat down and agreed on an Administrative Consent Order which allows them to monitor stockpiles. The first and most important component was to place soil on top of the pile to control fires. VIM Recycling has had problems in the past with open fires and it has caused smoke to enter into the community. Someone is on the site checking for fires every three to six hours, 24 hours a day. The agreement also stipulated removal of this large "C" pile with the materials that are less than four inches staying on site in windrows. The material larger than four inches is being screened out and sent to the Elkhart County Landfill. Mr. Ruesch explained they went over housekeeping to make sure that fire hydrants were clear and there was access in and out of the site. Safety is the most important aspect because the workers need to be safe during this project.

Mr. Doriot asked if the fires were due to spontaneous combustion and Mr. Ruesch said in June of 2007, they believe the remnants of that fire are still smoldering.

The deliverables were then explained by Mr. Ruesch. There was an emergency response and it was the first order of business to make sure that everyone knew what was going on at the site. They wanted to make sure that if there was an emergency, people would know how to get in and out knowing where the resources are, location of the fire hydrants, code for the front gate, etc. VIM supplies USEPA with a report every week indicating how much material had been processed, how much went to the landfill, how much was left behind, who was working with what equipment, and what is planned for the next week. Those have been submitted each week on time. In addition,

Marbach, Brady, and Weaver has been out every month doing topographic assessments, which indicate that the pile has been shrinking. The most recent topographical map was then shown to the Board.

On September 23rd, there was training at the Baugo Township Fire Department to make sure everyone knew what the plan was in the event of a fire or explosion. This allows them to be sure that all of the emergency response agencies were clear on what the plan is.

Mr. Ruesch then displayed the aerial photo of the piles to the Board. He pointed out the pile which had wood mixed with soil that was found to be burning. The O-1 pile contained larger pieces of wood that were screened previously out of the pile. The Agreement Order only concerns the "O" pile and the "C" pile. He then pointed out the various piles that have been removed, which are highlighted in yellow. The area highlighted in red is a stump pile mixed with soil and the stumps will be removed from the pile. The green highlighted area on the aerial is the stockpiles, which are called windrows. The windrows can only be 20 ft. high with a spacing of 20 ft. between them.

Mr. Ruesch then showed the Board a photo taken from the "C" pile and showing what remains in the AW-2 and B-1 piles. He also displayed a photo which shows an excavator moving wood and placing it in a conveyor that is then loaded onto trucks and sent to the landfill after they have made sure it is cool enough. Every operator has an infrared temperature gun to make sure they are not loading hot material into the trucks. Mr. Rusche pointed out what is left of the "C" pile which can be incorporated into end product.

Mrs. Wolgamood questioned the height of the windrows and Mr. Ruesch said 20 ft., but they are currently 25 ft. to 28 ft. He explained they physically didn't have the room to screen through it and put the windrows into piles that were less than 20 ft. high. Since they are through the hot stuff in the "C" pile, they are going to go back and put all of the windrows into regulated 20 ft. high piles with 20 ft. spacing so emergency vehicles can get through if needed. A photo of the Elkhart County Landfill was then displayed showing the trucks dumping the larger wood material. They have sent over 1,200 trucks to the landfill and they only had a problem with one that had excessive heat in it. He also displayed a picture of the dirt pile mixed with large stumps. Next week, they will be going through that pile and removing the stumps and making sure there is no "C" material mixed in with that pile.

As of yesterday, Mr. Ruesch explained 80,000 yards have gone to the landfill. They have had no problems at the Elkhart County Landfill. Every truck that leaves VIM has a receipt and every truck that goes into the landfill has a receipt, so they compare them to make sure that every load is going to the landfill. Over 60,000 yards of fines piles have been left behind on site and there are five windrows. Two of the windrows are along the north and west berms. The last few thousand yards of the "C" pile will be removed within the next couple of days.

A topographic map was then displayed which was generated by Marbach, Brady, and Weaver, and is updated every month. He showed the contour from August, September, October, November, and December. The red line shows where they are at as of today, so there has been a steady progression in removal of the pile.

A topographic analysis of the fines piles were then displayed, which show the windrows that are higher than 25 ft. When they initiated the project, the "C" pile was all the way over to the other side, so they had to push the fines up against the west and north berms. The next step of the project after the "C" pile is sorted is to pull the fines down off of the north and west berms and make another one of the windrows to the rear for fines materials. The idea is to have enough

windrows that are compliant with the PUD. He pointed out the berm separating this area from the residents.

On November 23rd, the USEPA did a full inspection of the site and they reiterated with VIM that they need the "C" fines pulled down from the north and west berms. They are moving all traces of "C" waste from the stump pile and they are working on removal of the stump pile. The "C" waste should be excavated by Saturday or Sunday and then the overs will need to be removed to the landfill by the 31st, but it will probably be a week before that. Mr. Ruesch indicated he will be on site to make sure all of the work under the Administrative Consent Order is completed, which he expects to be by early January. The final report will then be submitted to the USEPA by January 15, 2010.

Photos of the berms were then displayed for the Board in the Power Point presentation. Mr. Ruesch explained they have pushed fines up against the west berm and the north berm. They try to stay under the 20 ft. height and there is vegetation growing on the berm. There hasn't been any evidence of any problems on the berms.

Mr. Ruesch explained they have a website which includes all of the monthly and weekly reports and the legal agreement. They have been trying to keep the community apprised of this project. During this project, every time the shovel goes into the ground, it generates steam, smoke, and odors. They have been out trying to explain to people what they are doing and how it is being done. He explained they have gone door to door to put the brochures out so people are aware of what's going on and it has Mr. Ruesch's contact information on it. There have been a significant number of odor complaints since the project started. They respond to each one of the complaints individually and they explain to people what they are doing. VIM has conducted air monitoring and they haven't found any compounds of concern. He understands that this doesn't smell good and it does have an impact on people in the community.

When this project is complete, they will distribute another brochure to the community thanking them for their patience and giving them an idea of what is going to happen next.

Mr. Burbrink asked if the newsletter is being published monthly and Mr. Ruesch said they have done two of them so far. They publish one when there will be a significant amount of work done and they plan to do one at the end of the project.

When Mr. Doriot asked if he's pleased with what has happened on site, Mr. Ruesch said VIM has complied fully and addressed the USEPA's concerns. He feels they have done an outstanding job. Mrs. Wolgamood asked Mr. Ruesch if he feels there will always be an odor, and he indicated this project will eliminate the worst odor from that site. There was material burning underneath the ground and coming through the soil which emitted steam and vapor to the community. He indicated that odor will be eliminated by this project, but there will still be a residual odor out there because material is mixed with the soil. The odor can still be smelt from time to time. He also indicated that the ground-up mulch also has an odor to it.

Mrs. Wolgamood also questioned if he knows what the materials are in the berms. Mr. Ruesch said it is dirt, small particles of wood, and particles of gypsum wall board. He has seen some excavations directly through these berms and he has confirmed from the top to the bottom that it is a mixture of these materials.

Mr. Burbrink asked what the next step would be to keep this from re-occurring. Mr. Ruesch said that is not in the purview of USEPA because their order was to remove the fire. IDEM has permit conditions on how this facility can operate and it is up to them to make sure that VIM complies to ensure this doesn't happen again. The key to keeping this facility on the right track

going into the future is to maintain the piles and not let them get large again. He indicated they should make sure there is only enough material on site that can be processed by the machinery and ensure that the end product can be moved off site, which would mean there would be no need to stockpile large quantities.

When Mr. Doriot asked if the fines have a limited fire hazard, Mr. Ruesch said you can't set the fines on fire because there is too much soil mixed in. When you look at the bigger picture, there are some windrows of material that were screened out before USEPA came in. Every now and then, you will see some steam and smoke emitting from one little area of this and VIM needs to go in and aerate it so the heat doesn't build up.

When finished with this particular project, Mrs. Wolgamood asked how often USEPA will come to the site. Mr. Ruesch indicated he works throughout a six state region and he drives past Elkhart once a week. He has been asked by his management to continue to keep an eye on this operation. He will be stopping by to see Mr. Will and check on the site to ensure they don't end up taking any big steps back. The USEPA does not have any regulatory authority over the permitting of the operation, so he doesn't have a regular inspection schedule for the site. He will be working with IDEM to make sure this does not become a problem again. If they see any problems, Mr. Ruesch indicated they won't hesitate to use their authority to address any problems that arise.

In conclusion, Mr. Will said VIM was operating under an Agreed Order with IDEM at the time of the fire. After the fire, IDEM had restricted them from getting onto the "C" pile or the berm. With the USEPA getting involved, they were able to remove the "C" pile and work on getting a berm marketing distribution agreement with Soil Solutions. They have now made the progress of removing 85,000 yards of material.

Some of the board members came out to the site in February of 2009 and VIM was required to do a compliance report. Mr. Will explained there are three things in the DPUD that they feel need to be addressed. In Section 9.1, there is a difference in opinion between the Ordinance and the Title V air permit. The Title V air permit renewal allows for greenwood, "A" wood, and "B" wood to be ground outdoors as well as indoors. They are requesting that both Ordinances become in sync together. Mr. Will said they also feel that Section 9.6 needs to be addressed as well.

At the time when the Ordinance was issued, the Title V had not yet been issued. Therefore, the language is what came out of the planning. Now that there has been a Title V approved by IDEM, they respectfully request the Board's consideration on that section.

Mr. Kolbus advised that this is not a public hearing, so no Board action will be taken today. The purpose of today's meeting is to identify what has been done and what still needs to be done.

Mr. Will explained that in Section 9.6, they are asking for an extension of one year since they are not allowed to be on the pile until December 31, 2009, which is when they will be finished with the "C" pile. They also have to add about 40,000 sq. ft. of additional water capacity to the facility and they would like to work with the staff to develop guidelines for the next 12 months.

Mr. Will said there have been different understandings of the Zoning Ordinance as far as what will be required to keep the recycling business going forward. He feels it is very important for everyone to have the same understanding on that issue. Mr. Kolbus indicated there is a new Zoning Ordinance in the process of being developed and this is something that could be looked at to be incorporated.

When the requested extension was questioned by Mrs. Wolgamood, Mr. Kolbus said that cannot be done because it would be a change to the terms of the Zoning Ordinance. If the staff feels they've taken the steps they've been allowed by EPA and IDEM to the extent they can, he said the

Board can decide not to pursue any enforcement action. Then the staff can continue to work with them to make sure they continue to work towards compliance.

In the past, Mr. Burrow said they generally treat these changes as a minor change to the site plan, which is the timelines. People have brought in explanations as to why they can't meet the criteria, but more importantly, whether or not the Board wants them to do enforcement because he will be in breach of the standards established under this PUD.

Mr. Doriot recalled they were not allowed to work in certain areas until the USEPA became involved. Mr. Burrow feels that item #2 is the only one he thinks the staff needs some direction on so they know whether or not to consider the change.

Mr. Doriot indicated that VIM cannot reseed the berms at this time. He feels they have been moving forward and he doesn't feel they need to take any enforcement action now. Mr. Warner and Mrs. Wolgamood agreed.

Mrs. Wolgamood feels that Mr. Will appears to be making an effort and the USEPA report was excellent and very informative. As long as VIM continues to move forward, she would not want the Plan Commission to get in the way of his progress.

When Mr. Kolbus asked the Board if they want formal action on the time extension as a minor change, Mr. Burrow said that would give them a formal timeline, which have always been brought back to the Board for review to assist the staff with code enforcement. He suggested that the Board ask for a report in July 2010 so the staff can go out on site and visually confirm they are making steps in that direction.

Mr. Kolbus suggested a further review of this at the July 2010 Plan Commission meeting. Mr. Burrow then clarified it would be on the agenda as a staff review.

Mr. Burbrink asked if it would be a full report to clean up the inconsistent language and Mr. Kolbus said they would look at that issue.

Mr. Burrow said the staff feels that item #1 is a major change and would require a public hearing because they understood there was to be no outside grinding unless it was only the green wood.

Mr. Kolbus explained that the Zoning Ordinance says no outside grinding of certain materials. The fact that the USEPA permit allows it doesn't mean they can do it. To make it consistent with the USEPA permit, he advised that they would have to file a petition for that change in a public hearing, which would then go on to the County Commissioners.

For clarification, Mr. Burrow said there is outside grinding, but it is under control of the USEPA at this time. He said the staff is trying to accommodate compliance with the USEPA.

A motion was made and seconded (*Doriot/Wolgamood*) that the staff submit a report to the Board at the July 9, 2010, Plan Commission meeting. A unanimous vote was taken and the motion was carried.

14. The meeting was adjourned at 10:13 a.m.

Respectfully submitted,

Kathleen L. Wilson, Recording Secretary

Tom Holt, Chairman