

APC MINUTES
JANUARY 18, 2023

Members present: Amy Alka, Andy Fahl, Tom Kerns, Tom Chalfant, Jim Hufford, Adrian Moulton, Will Greer, Bob Lahey, Coy Applegate

Members absent: Don Calhoun, John Reece, Terry Alfrey, Steve Hernly

Legal Representation: Jason Welch

Staff Present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thornburg, Bob McCoy

President Calhoun: It's 7 o'clock, we'll call the January meeting of the Randolph County Area Planning Commission to order. Has everyone had a chance to look over the minutes from September 21, 2022? Any questions or concerns? Then I will take a motion to approve the minutes. It has been moved and seconded to accept the minutes as presented. All in favor say aye, all opposed say no. The minutes are approved. Next is election of officers. President for 2022 was me, Don Calhoun, and Vice President was Andy Fahl. I'd be happy to do it again, unless anyone else wants to?

J. Hufford: I nominate Don Calhoun for President for 2023.

President Calhoun: It has been moved and seconded to elect Don Calhoun as President of the APC, all in favor say aye, those opposed no, Don Calhoun will be the president for 2023. Now, Andy is no longer on the board so we need a new Vice President. Is anyone interested?

C. Applegate: I'd give it a try.

J. Hufford: I nominate Coy Applegate for the position of Vice President of the APC for 2023.

President Calhoun: It has been moved and seconded to elect Coy Applegate as Vice President of the APC, all in favor say aye, those opposed no, then Coy Applegate will be the Vice President for 2023. Now moving on to the appointments to the BZA. Our municipal citizen is currently Jim Hufford.

J. Hufford: I am willing to stay on, but if anybody else is interested I am willing to step aside.

D. Johnting: The three possible would be Jim, John Reece, and Coy Applegate.

President Calhoun: Do we have a motion? It has been moved and seconded to keep Jim Hufford as the Municipal Citizen Member to the BZA, can we have a roll call vote?

D. Johnting: Adrian Moulton, yes, Steve Hernly, yes, John Reece, yes, Abby Journey, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Bob Lahey, yes, Coy Applegate, yes, Terry Alfrey, yes. Amy Alka, Tom Kerns, and Will Greer are absent. Motion approved.

President Calhoun: Okay, on to the County Citizen Member to the BZA, currently myself, Don Calhoun. Eligible members are Don Calhoun and Abby Journay. It has been moved and seconded to keep Don Calhoun as the County Citizen Member to the BZA, can we have a roll call vote?

D. Johnting: Steve Hernly, yes, John Reece, yes, Abby Journay, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Bob Lahey, yes, Coy Applegate, yes, Terry Alfrey, yes, Adrian Moulton, yes. Amy Alka, Tom Kerns, and Will Greer are absent. Motion approved.

President Calhoun: Now to the attorney contract for Jason Welch.

J. Welch: I have to present the Conflict of Interest statement form, prior to the consideration of it, based on the fact that I am Farmland's attorney, and I have been Losantville's attorney in the past as well as the BZA and the APC.

D. Johnting: You should have both the contract and the disclosure.

President Calhoun: Any discussion, comments, concerns.

J. Welch: It's the exact same as last year.

President Calhoun: Okay, it has been moved and seconded to accept the attorney contract submitted by Jason Welch and retain him as our attorney for 2023, can we have a roll call vote?

D. Johnting: John Reece, yes, Abby Journay, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Bob Lahey, yes, Coy Applegate, yes, Terry Alfrey, yes, Adrian Moulton, yes, Steve Hernly, yes. Amy Alka, Tom Kerns, and Will Greer are absent. Motion approved.

President Calhoun: Next is our petition, APC2023-4-Z for Union Go Dairy, is there anyone here who is speaking for Union Go Dairy?

M. Boeglin: Hello, my name is Molly Boeglin, and I am with Ag Environmental Systems, LLC in Connersville, and I am here to represent Union Go Dairy, and the new system they would like to install. This system is actually not new, but it is new to the size of dairy of Union Go. (gap on tape). It is stirred for about six hours but it will be continuous, it will have some coming in, some going out and as the methane and the other gases rise to the top, it will go through a tube system that will flare off the excess gases and then we will have a 99 % pure methane product that can be trucked off sight to an injection point and then put into the natural gas grid. The dairy, like I said is not going to be interrupted at all and can stand alone, so we won't have problems with methane at the dairy production. And then the digesters don't have to run, so we don't have to take the manure out, we can have them shut down for cleaning and maintenance and it won't impact the dairy and the dairy won't impact the digesters. So, these are going to be two separate companies, we'll have Union Go Dairy that's providing the manure to the Winchester site. And then that will be owned and operated by UG Winchester, LLC. So, that's why we went in to rezone the whole spot, instead of putting it on the same permit, because it's going to be run by a different company. I talked with Randy Abel first, and then with Deb, and thank you for the tons of information. The general idea was that, since it's not going to be run by the dairy it would be zoned M-2. So, we've cut out a chunk from the dairy that will work for the digester and everything will be contained right in that area. Like I said this is not new technology but not usually done on this scale. [inaudible] in Indiana has digesters, but the way they run theirs when they get the methane they convert it to electricity and they use the electricity to power their operation. So, we're

just skipping that extra step and using the methane right there as is. It won't have more than two or three trucks a week and it will be not commercial size trucks, but box trucks that will carry tanks of gas that has been compressed and that will go to a different site for injection and it's overseen by the Indiana Department of Environmental Management and Department of Homeland Security. And, more Indiana Department of Environmental Management, there's several different factors that all have a say in how this can be run and operated and so we have a lot of safety features in place. Its going to reduce odor because the methane is part of what makes the manure stinky and I think it's a great idea, I don't have any possible objections that I can think of but if you guys have questions or concerns I'm more than happy to answer them and I have a team of people here that are happy to help too.

President Calhoun: Does anyone on the board have any questions?

G. Friend: Does Union Go Dairy retain ownership of the property?

M. Boeglin: Yes, we want to do a long-term lease so that there's not confusion with any of the permitting so Union Go Dairy will still own the property. But the Winchester, what is this, UG Winchester Bio Gas, too many words in my mouth, will own and operate all of the structures. And then in however many years if they wanted to relinquish control or they want to accept a different feed stock there is a digester in another county I was just at, and they accept feed stock from waste cafeteria food and hops and barley from the distillery and so they take extra material and they can get more gasses off of those, but that wouldn't be permitted at this site. Right now we are only permitting it in regards to manure, but that helps keep the permit separated and clear.

G. Friend: But if you choose to you could permit to bring in other stock?

M. Boeglin: You could.

G. Friend: What will it do for the air quality in the area? You say there will be more odor with it?

M. Boeglin: No, it will be less odor.

G. Friend: Less odor is what you said?

M. Boeglin: Yes. We have an air permit from the Indiana Department of Environmental Management and the methane that is within the manure as we are capturing it, it's going to reduce the odor. There will still be hydrogen sulfite in the gas that's already within the manure. But as we take the methane out that is part of the odor in manure, so the odor should decrease.

G. Friend: Okay, my final question tonight and I think Debbie may have answered it, if this goes unfeasible this reverts back to its current status of zoning? Do you folks have the right to sell it to anybody you want to sell it to?

M. Boeglin: You mean if the zoning...

G. Friend: If your company doesn't make this work and they quit operating does Randolph County have the right to rezone it back immediately? Do I understand that right? Debbie?

D. Johnting: If you put a condition on it, it would be a condition that the board put in the Ordinance, that when you cease, if five years from now you say you're leaving we're taking out all the equipment, nothing is going be left here, then it can revert back to Ag Intensive.

M. Boeglin: Revert it automatically back to agriculture?

D. Johnting: Not if it's still ongoing, not if someone is doing what was originally done, but so that there is not empty M-2 ground in the middle of ag, where you could develop a landfill.

M. Boeglin: Oh, I see, it's only zoned M-2 for this intended purpose. I understand that.

G. Friend: You understand that?

M. Boeglin: Okay, yes, that makes sense.

J. Hufford: When you look at all that M-2 consists of, you can see why it can get sticky.

M. Boeglin: There are a lot of options for M-2.

President Calhoun: My question was about odor and you answered that so, I see it as a win/win for the County

M. Boeglin: Thank you, I do too.

President Calhoun: Is there anybody in the audience that would like to speak either for or against?

President Calhoun: Please state your name and address.

R. Goltstein: My name is Rob Goltstein, 3164 South 300 West. We see this project as a really big beneficial move in the right direction as far as methane emissions and you know just reducing the odor to make life a lot nicer out in the country. You know we try to do the best we can, I want to apologize for my dad, he would have been here tonight, he had some health complications so he couldn't make it this evening. If there's any questions as far as Union Go Dairy I'd be happy to answer questions. You know we have a good team together, we have a good project. We just want to do things the right way.

President Calhoun: Thank you, is there anyone else that would like to speak either for or against? Or just has questions?

B. Pegg: My name is Barbara Pegg, and my daughter and I share a fence line with the Union Go Dairy. I'm wondering how close this permit, does that come right to the fence line? How much can they overlap? We have the odors to contend with. I haven't seen any drawings. I would like to see what's going to be put up there, and I think it can really affect the neighbors, the close neighbors. So, I would like to see some more information.

President Calhoun: Okay, do you have any drawings on how close it would be to their property?

K. Simpkins: Yes, if it's okay, I'd be more than happy to show them the drawings of our storm water plans, and give her a set of our plans for her to look at.

President Calhoun: Would you come up please and state your name?

K. Simpkins: Hi, I'm Kari Simpkins, 812 Western Avenue, I work with Molly and the setbacks are a hundred feet, at least. I apologize, Molly is the lead on this project so she's probably better at exactly how many feet, but what this will do is, it will help them regenerate the manure, take out some of the odor, and it will actually reduce odors. The only difference I think that you would see is maybe a little bit of difference in terms of the buildings that you see out your window. Because there will be two larger structures that hold the manure and the other thing that you will notice is there will be a reduction in odors. The agitators that run there are about the sound level of a lawn mower, and they don't agitate, I apologize I probably should double check this, but it's not as if there is a lawnmower

running next to your window twenty-four hours a day. Again, the way this is structured is so that the corporation that owns the structures, if there is a reason in the future that it is not viable to produce natural gas anymore you know, it's a different market, it is uncertain, we feel like it's a great project, it's come a long way but no one can predict the future. So, one of the things that IDEM does for this type of facility that is a little different than a CFO is that they require a financial assurance of bond that's put up, so that there is a certain dollar amount for every amount of storage they have. They'll have to put money back that says that if they stop producing methane there, that they will take down the structures and there is already a performance bond that is put up before it's even constructed, before IDEM will even issue the permit. The reason you haven't seen any drawings yet is because quite frankly we start at the County level before we do a lot of the engineering because everything hinges on the County. If we can't get County approval, engineers are, quite frankly expensive, that's why I'm here and not an engineer, I probably should have gone to school a little longer. But at any rate, that's mainly why you haven't seen drawings yet, is because we want to get that County approval before we invest all those dollars and every bit of engineering. We have a set of plans with us that are the storm water plans. That will get you pretty close and we are happy to share those with you and give you a good idea of what's happening. We can share those with the board as well.

Barbara Pegg: [inaudible].

Kari Simpkins: So, this is off the GIS. And this is where we are talking about rezoning. The lagoon is here, the driveway is here and so it's this area back in here. Many, I say many, probably seven to eight...

B. Pegg: I think this is really going to be close to me because...

D. Johnting: There are no houses within 2,500 feet.

K. Simpkins: Yeah, so just because this is where we are zoning, like this is just the area where we are zoning. It's the general area of the facility, the facility will not be built on the property line, but we had to include so many acres in order to make it viable rather than just putting the exact footprint of...

B. Pegg: How many acres is it?

K. Simpkins: 3.88

B. Pegg: So it's not even an acre.

K. Simpkins: 3.88 acres.

B. Pegg: Oh, I'm sorry.

K. Simpkins: No, no, it's okay. I probably wasn't clear. And like they said, it sounds like they might, we are certainly fine with the condition that if this doesn't move forward or if it ever stops, it reverts back to ag. Nobody can move anything there that's similar to this, it's not as if there will always be, nobody can build a factory there without coming back before the board.

B. Pegg: But once it's zoned, it will stay open for any project like this correct?

K. Simpkins: Correct.

B. Pegg: Once they pass this.

K. Simpkins: They were discussing a condition that would prevent that. And we are certainly okay with that, there's no issue with it.

B. Pegg: I'm just saying, I'm sorry, I'm not really familiar with this but once you zone it, isn't it open for other projects other than this if this company pulls out?

President Calhoun: We can make it, put a condition on it so that it will revert back to agricultural land. Once if they leave it would revert back to ag. It would be just that project. Anything else they would have to come back here and redo everything like they are doing now.

B. Pegg: Okay, well I would just be interested in seeing the actual drawings if you can get those for me?

K. Simpkins: Yeah, sure, we have a set and we'll be happy to share those.

D. Johnting: This map is from a further distance away, this might help you see where you are located better.

K. Simpkins: Oh, okay, so this is another map from the GIS that she printed and so like the area that we are discussing is kind of down in here and like I said we can show you how the digester is set in there.

B. Pegg: We're fine if I'm looking at this correctly this is the dairy and I think I'm probably right there.

K. Simpkins: And that could be, you're certainly more familiar with the property.

B. Pegg: And I'm wondering the six hours when this is regenerating is it going to be really strong during that that period of time?

K. Simpkins: No, because, so the way...

B. Pegg: Because the fans kick on in the hog barns and you can sure tell when they kick on.

K. Simpkins: Yeah, so the way that this will work, and, may I see your pen? It'll be easier, I didn't bring one up. Currently you know they've got, this is actually a little bit of an older drawing, but right in here there is a building and the sand is washed back in here. And so, what they'll do is they'll come in, there's a small pit that's already there, it's already at the dairy and they'll go underground with that pipe over to the digesters. So, there will not be any manure above ground, like no manure that's open to the air. They are not adding any more surface area. So, there's no more opportunity for exposure and additional odors. And like I said so the digesters will set in here, and we have that drawing over there, there will be a, it will look almost like a container that cleans up the air and then the compressed gas will go into a truck.

B. Pegg: So, if this is where I'm at, so is this where this is going? Would you put in this corner, is this piece that you're asking to be approved would that be right?

K. Simpkins: Yes, it's in this corner right here, that's a rough drawing but that's the ball park area. And we can get you this set, if you give me just a second and kind of show you how it's laid out. I'm sorry I feel like I hijacked your meeting.

B. Pegg: Can I keep these?

K. Simpkins: It's fine with me if its ok with Deb?

G. Friend: Before you go can I ask a question? You mentioned a decommissioning agreement if something goes on and there's a surety bond for that?

K. Simpkins: Yes.

G. Friend: Who's the enforcer to get it back down?

K. Simpkins: IDEM.

G. Friend: IDEM? To see that is it brought back down to what it was before it was started?

K. Simpkins: Yes.

G. Friend: And you sign that decommissioning agreement with who?

K. Simpkins: So, the decommissioning is a condition of the permit. They won't issue a solid waste permit until you have a surety bond in place and so IDEM will make sure it's in place. It's not like a C of O permit. They're just handled differently. They have a more continuous review to make sure that surety bond is always in place. I'll tell you, I've done this for 23 years, the solid waste section is very, very good at tracking those bonds. That's probably one of the, I don't know if it's low hanging fruit for the enforcement department, I'm not sure, but that's something that they don't let slip through the cracks.

J. Hufford: Now is this going to be a 24 hour a day operation?

Kari Simpkins: I will tell you some of the operations have changed based on, like from the very, very beginning and I am not qualified to answer that question, so if it's okay I will just not answer that question at this time.

J. Hufford: The reason I was asking, I was just wondering, if they will have a burn off?

Kari Simpkins: Yes, a flare. And that will only go when they're doing the compression.

J. Hufford: That's what I was wondering, if it was going to be burning 24 hours a day or what.

Kari Simpkins: If I may, is it 24 hours or do you know? These are my support team back there.

J. Sheener: Jeff Sheener, I am with Dairy BIO Gas Company, the developer. It is a 24 hour operation.

Kari Simpkins: But the flare is not burning 24 hours?

J. Hufford: You said the nearest house was 2500 feet away though, right?

Kari Simpkins: Yes, more than 2500.

D. Johnting: Yes, I measured to Barbara Pegg's, and it was probably more than 2500 feet.

Kari Simpkins: And it's not an extremely large flare and they've placed it behind some of the structures and it's not, so that it's not obstructing anybody's view, it's not 24 hours a day and what it is, is that it burns off, probably 80% of it is Methane, and it basically burns off the 20% that is not pipeline quality.

Kari Simpkins: Thanks, we'll get together right after the meeting and make sure you get the drawings. I'm sorry, did you guys have any other questions?

President Calhoun: Is there anybody else in the audience? Any other questions from the board? I would entertain motion for....

G. Friend: I would make that motion for counsel to explain what condition can be placed on this. I think Deb explained this to me that they wanted to do a condition.

J. Welch: You want to add a condition, and I think you should vote on the condition and then you should make a motion for a favorable recommendation after that condition is added if it is added. So, I would make a motion to add a condition that it automatically reverts to Ag Intensive in the event that the company ceases operations.

G. Friend: Should we do that first?

Jason Welch: Do that first.

G. Friend: I'll make that motion.

J. Hufford: I second.

President Calhoun: It's been moved and seconded that we put the condition that it reverts back to A-1, should that be a roll call vote?

Jason Welch: Yes.

D. Johnting: Adrian Molton, yes, Steve Hernly, yes, John Reece, yes, Abby Journay, yes, Tom Kerns, absent, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Bob Lahey, yes, Coy Applegate, yes, and Terry Alfrey, yes. Motion approved. And Amy Alka, Will Greer and Tom Kerns are absent.

G. Friend: And now I make the motion to approve the zoning change.

Jason Welch: For a favorable recommendation.

G. Friend: For a favorable recommendation.

President Calhoun: Do I have a second?

J. Hufford: I'll second.

President Calhoun: It's been moved and seconded that we vote on a favorable recommendation, roll call vote?

D. Johnting: Steve Hernly, yes, John Reece, yes, Abby Journay, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Bob Lahey, yes, Coy Applegate, yes, Terry Alfrey, yes, Adrian Moulton, yes, and Amy Alka, Will Greer and Tom Kerns are absent. Motion approved for a favorable recommendation.

President Calhoun: Do we have any old business that needs brought up at this time? Do we have any new business?

D. Johnting: We've lost our assistant in our office so we are hiring again (laughter). You have the calendar in your packet. The other board is looking for someone so we don't have a full BZA right

now plus I wanted to make sure that positions are set and I will get you a new sheet of who will make up the 2023 BZA and APC roster.

President Calhoun: Will we be having a meeting next month?

D. Johnting: Right now no, but we had a half a dozen people interested in coming in for January who did not make it might come in for February or March, but right now no hearing for February.

President Calhoun: I would entertain a motion to adjourn. It's been moved and seconded to adjourn, thank everybody for coming.

President Calhoun

Vice President, Coy Applegate

Area Plan Director/Recording Secretary, Debra Johnting