

Decatur County Board of Zoning Appeals Minutes
Decatur County Courthouse
150 Courthouse Square
Meeting Room

The regular scheduled meeting of the Decatur County Board of Zoning Appeals was convened at 6:30 p.m. on Wednesday, March 3, 2021 at the Decatur County Courthouse. The meeting was called to order by Melissa Scholl. 4 board members were present with Gary Fischer attending via Zoom. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant and Jerome Buening – Decatur County Commissioner.

Brad Schutte read the following; *to comply with Title VI of the Civil Rights Act of 1964, Decatur County requests that participants in this meeting complete a voluntary, anonymous survey that is available on the table in the back of the room.*

***Approval of minutes: February 3, 2021;** approved as mailed.

*** BZA Petition 2021-1 - Frank Schreiner** is requesting a “**Variance**” from the required 15’ side setback to an existing structure to a 10’ side setback. This request falls under -Decatur County Ordinance #945. The property is currently owned by the petitioners and is located at 4093 W CR 800 S, Greensburg in **Sand Creek Township**.

Frank Schreiner: As of now I am cash renting the farm out and I’m wanting to keep the one shed that is in the lane that goes back to my woods. I’m going to keep the woods. The ones who are cash renting the ground actually want the house and barn. In order for them to do that I have to go in between the barn and the shed. **Jay;** the biggest barn is what we are looking at? **Frank;** yes, I will tract that off. **Jay;** so the house and other two out buildings are going to be sold? **Frank;** yes. **Brad;** how will you maintain access to your drive that goes back to the woods? **Frank;** (referencing the overhead map) see where the grain bin is, 50’ over that way will be another property line that goes right to the woods. I talked with Andy and he said that I had to have that much road frontage to do this. **Jay;** what is the distance from the end of that barn to the yellow line? **Frank;** 10’. **Jay;** is there doors on the end of that barn? **Frank;** there are two four-foot doors. Everything actually is on this side (referencing overhead map). **Janey;** how tall is it to the roof line? **Frank;** probably 35-40 foot maybe. **Jay;** so it’s a two-story barn? **Frank;** yes. **Brad;** the longer barn that you are wanting to keep, is there any limitation to access by creating this line? **Frank;** no, I will have no problem with them coming in here and doing anything. **Brad;** basically the north side of that barn, are there doors on that side (referencing overhead map)? **Frank;** there are doors all around it. **Joyce;** and that is the barn you want to keep for yourself? **Frank;** yes. **Jay;** what we are after is on the road side of that barn you are keeping, can you maintain that barn, get in and out without violating the property line? **Frank;** yes. The same way, if I sell, I don’t have any problem with them driving through here or doing anything. **Jay;** right now... this board looks at things in a longer term, when you are not here, who is going to own, will they have a problem with it, that is what we are trying to mitigate and fix now. We understand you are happy now, but that is not ultimately the permanent owner. **Frank;** hopefully my son will get this. **Jay;** I understand, there is a lot of things that don’t materialize. **Frank;** if I do get this, whoever does buy this will understand that there is only 10’ here and if they don’t agree to it then they don’t have to buy it.

Jay; you are sure you want to keep the long barn for you? **Frank;** yes. **Brad;** is that just a pole barn? **Frank;** yes. **Brad;** this will be a funny looking property line in 20 years when the pole barn gets torn down. **Jay;** we have run into this before, this isn't our common way that we would like this to happen but we have had other situations where they want to divide the farm from the house, even though they still own it, we have to work in between there, that is not something we are typically kind to, is this line, that is not in our favor but in this situation, we are struggling to come up with a better idea for you. That is why we are challenging you with these thoughts. Not to talk you out of it, just to feel you out so we understand. **Janey;** is there a plan to build on your side now? **Frank;** no. **Janey;** so it's just farm ground? **Frank;** yes, just access back to the woods. **Joyce;** in your pole barn, do you have storage in there for farm implements? What are you putting in there? **Frank;** right now there are things in there being stored. Also, I was going to keep a tractor in there to mow. **Jay;** again I will say that this is not what we like to do, but not to make you move the barn back, this is the next best option.

Joyce Brindley made a motion to vote on BZA 2021-1; Jay Hatton seconded the motion with all 5 board members voting yes.

* **BZA Petition 2020-21 - Mark Fixmer of BEX Farms** is requesting a “**Special Exception**” in an I-2 zoning classification to operate a landfill on approx. 48.4 acres more or less. This request falls under Decatur County Ordinance #1220(n). The property is currently owned by the petitioners and is located at 2280 S US Hwy 421, Greensburg in **Washington Township**.

Kurt Pablo, Environmental Compliance Manager for Decatur Hills / Best Way

I would like to start out and reiterate that we are requesting a special exception which would allow us to continue our existing business of the landfill on a new 48.4 acres across the road from where we are today. This is not going to be a change in our practice or operations, this is simply an expansion of the existing business to the adjacent property. We have been in business at this location for 30 years now. There have been a lot of questions and hear say brought up over the last 2 years at meetings and I just want to go back to the fact that IDEM, their mission is the protection of human health and the environment, and if they believed that Decatur Hills caused a danger to the health to the people of this community or to the environment, there is nothing that would stop them from coming in and locking out gate tomorrow. With all that said I would like to take a couple of minutes to run through a quick presentation.

Presented the following information on a power point presentation:

- The petitioner is BEX Farms, they are the property owner within our company that owns the farm and rental ground. That company is owned by the same people as Decatur Hills and Best Way Disposal.
- Best Way / Decatur Hills has been a long-term member of the local community since 1991 and is active in the community.
- Employment: Over 79 full time employees, top 3% by total employees, \$5,900,000 in wages and benefits in 2020
- Local economic impact in 2020: \$5,900,000 - wages and benefits to our local employees, \$4,800,000 - direct spending for fuel, repairs, and supplies, \$3,700,000 – equipment and construction in 2020, \$128,000 - taxes and fees paid directly to Decatur County
- Requesting: Special Exception to allow 48.4 ac +/- of our I-2 zoned property to be used as a Sanitary Landfill, this would be a continuation of our current operations onto an adjacent property, owned by the petitioner. This use conforms to the approved Decatur County Comprehensive Plan.

- Property Values – 2019: Sale prices increased around 10% since 2017, 14 homes constructed since 1992, 5 sales in 2017 and 2018, sale prices roughly 24% above assessed values.

I don't think there is any truth to the property values being affected. That is really the extent of that presentation.

Joyce; I truly believe that you (inaudible) the land, after 30 years I think that you (inaudible) unreal or if you weren't. My husband worked for IDEM, they are so much bigger than all of us, they know what they are doing and they say its ok and that you are doing a good job. I can't see where we (inaudible) but, that's not for me, and just my opinion all I know is you are trying very hard. What I see that you have done for 30 years is pretty nice, I have asked people who live out there that is not in this group if they smell, I have had all kinds of comments that they don't bother us and we don't smell. I'm not saying that's cross the mind of other people who feel differently. I just appreciate everyone being a better steward of the land, thank you for that.

Jay; let's go through the scenario that this never gets passed, and Decatur County refuses a landfill, tell us what happens to the landfill? What is the future after it is full? **Kurt;** As part of the advocacy process to IDEM we are required to prepare a closure and post closure, a very detailed plan. It would detail all of the steps we go through and all the steps that would be met. Actually, if a permit gets granted then that plan has to be funded as well. That money, IDEM has that in a trust fund today for the existing landfill. That landfill would be closed and would go into post closure care, this really is regardless of the situation, once it's closed it would go into a period of post closure care. When it's closed there is almost a duplicate line that is on the bottom placed on top to prevent moisture from getting in, prevent gasses from getting out, so you have encapsulated that whole landfill, top and bottom. Then during that post closure care you are allowing all of that to settle in and stabilize. The post closure care is often thought of as a 30-year period, but that is just kind of a mark in the sand and is really based on performance. It is a minimum of 30 years. The leachate generation has to get down to almost nothing, same way with the gas generation. That has to get to where the risks have been minimized, you have to maintain the cover and monitoring.

Jay; so, the bond that you have to take care of the current landfill does that also include the existing, the old Decatur Hills landfill as well, was that included in this or who takes care of it?

Kurt; no, that's not our facility so we are not financially responsible. **Jay;** you are taking care of it now? **Kurt;** we do some maintenance and things like that, but as far as the closure and post closure regulations were a lot different back when that was closed. Today for example, Decatur Hills has almost 9 million dollars that is supposed to go to the state for these closure and post closure activities. **Jay;** is the original landfill that you didn't put in, is it producing gas or leakage that you have to take care of? **Kurt;** there is leachate that is generated, it is pumped to the wastewater treatment plant. **Jay;** so that would not be taken care of, is that the way I understand it, that would not be taken care of after the 30-year closure or whatever, when does that pumping stop? What will happen to the original, I guess? **Kurt;** the maintenance of that is separate, it is difficult because it doesn't have the same amount of cap on it. You can't cut off the incoming moisture. **Jay;** I understand. **Kurt;** that is a good question, there is a lot of those orphaned landfills around the state. The state is trying to come up with a way to pay for that. The condition of this one here is a lot different than in some places. **Jay;** I will use that term orphaned landfill, is it producing gas now?

Kurt; the gas it produces I think, is really minimal. I have never noticed any real gas production from it. **Jay;** the current landfill now, is it going to ever produce methane or any gas that can be used in your trucks? Will that be an expansion someday? **Kurt;** it is a little early to say but I believe so, we have another site in Indiana where we are currently producing the equivalent of almost 3000 gallons a day for the trucks. **Jay;** how many acres does that take to produce that?

Kurt; that one is a little bit larger, 150 acres. **Jay;** so it is reasonable that one day you could be

pumping that gas out and using it for your equipment? **Kurt;** right, probably at a smaller scale, but yes, same principle for sure. We have some CNG trucks in Greensburg already, we just use the commercial fuel now. **Jay;** what will ever happen south of that county road, 280? **Kurt;** 200 S? **Jay;** yes, what will happen to that woods back there, is that ever going to be, do you have a plan for it? **Kurt;** no, I think that that most likely is going to be maintained, we have some property that we maintain just in case we need to do a property swap in the future. **Jay;** I know odor has been a topic that I have heard for the last couple of months, is there a clear definitive way to get that odor done or is it always going to be there? Is that just the nature of the landfill and I know early on, I'm going to go back months, you had said that you were putting in new gas pipes and I think last winter you couldn't get them in and then that was going to be remedied. Are there any more explanations that we can hear about that? **Kurt;** I think that that immediate problem was dealt with the installation and connection of those wells. We are dealing with waste so there is always some intermittent odor, we just came across a product this week that we are trying, as an aggregate to this ground cover that we talked about. It is something that we are trying to research and find different products. **Jay;** so you believe there is more products headed your way to help? **Kurt;** right and it's not like a masking agent. **Jay;** and these are IDEM approved products because they don't want you to spray something on the dirt that is going to be even more toxic than what is already there. **Kurt;** yes.

Questions/Comments Posed to BEX Farms

1. Are records with stipulations for operations available when landfill first approved? *We have provided a copy for the board's convenience.*
2. Can restrictions be added to not allow more than 50% out of county trash if landfill expansion is approved? *We believe that this kind of restriction on a private business would be an infringement of the company's rights of free commerce.*
3. How much does the county receive in tipping fees? Can tipping amount be increased on out of county trash? *The Decatur County Solid Waste District receives \$0.50/ton for all waste coming into the landfill. In addition, \$0.50/ton goes to the state for recycling programs and \$0.10/ton go to IDEM. Part of the state \$0.50 fee is distributed back to the counties. There are state statutes that restrict how the Waste District can use their funds. We do not know if an ordinance could be created that would differentiate between in-county and out-of-county waste.*
4. SMELL? With this continue forever? Can landfill be required by county to use soil for cover versus spray to reduce odor? *Odor is subjective. The immediate problem that was discussed at the APC last winter was dealt with. We are currently researching some new products that can be added to the spray-on cover to prevent odors.*
5. If the smell has been addressed, why are there over 100 buzzards resting & flying over the landfill & in the ditches on CR 280. *The buzzards and the odor are not necessarily related. I think we all know that buzzards can flock to something as small and localized as a single road-killed squirrel or raccoon.*
6. What is the life expectancy, 31 yrs.? 20 yrs.? 10 yrs.? *We have consistently estimated the remaining life of the existing landfill to be between 10 and 15 years. The remaining life of a landfill can be affected by many factors, including the increasingly unpredictable severe thunderstorms and tornadoes. Our initial re-zoning was for a total of about 151 acres. We reduced this substantially during the zoning process, and we are now asking the board to grant a Special Exception to operate a sanitary landfill on 48.4 ac of our I-2 zoned property.*
7. How can we be assured trash is not coming in from out of state? *Nothing in the rules or regulations prevent this, but our records show that this is not how we operate. IDEM*

records going back to 2009 are readily accessible, and since that time we have received some incidental waste from out of state. Over 91% of all waste coming in to the landfill is hauled by Best Way, the primary purpose of the landfill is to support our collection business.

8. Is Decatur County getting rewarded enough for having a landfill in our backyard? See the attached bullet points for the local economic impact of Best Way/Decatur Hills.

9. How much does Decatur County get compensated for allowing the landfill to be here & what's not to say that after they get a large foothold in this county that they can say or do whatever they want about the charges & compensation fees? See items 3 and 8 above.

10. How do we clean up the county after the pollution exists? This seems to be confusing the old landfill with the current landfill. The design and regulations are completely different, IDEM requires 3rd party groundwater monitoring to detect any problems, and landfills are now required to have detailed closure and post-closure plans approved by IDEM and funded to provide financial assurance. Decatur Hills' current closure/post closure fund is about \$8,700,000 and this amount must be updated annually for inflation and other adjustments that IDEM may require.

11. How many large trucks go in & out of the landfill in a year's time? There is a total of about 75 vehicles per day going in and out of Decatur Hills on an average day. About 12 – 15 of those are pickups or small vehicles.

12. Does the landfill pay property tax and wheel tax? Yes, and yes, we pay wheel tax on 91 trucks and/or trailers in Decatur County.

13. Does the landfill get any tax exemptions? No

14. What is being done to recoup the damage to our roads by trucks that come in and out of the county? The vast majority of the trucks coming in and out of the landfill are Best Way trucks. They are plated in Decatur County and are paying wheel taxes and fuel taxes locally. There are about 75 vehicles per day going in and out of Decatur Hills Landfill, compared to the 4,500 vehicles per day traveling on US 421 (http://www.ms2soft.com/tcds/?loc=Indot&mod=tcds&local_id=160072)

15. Is there a well on the property for potable or other water? How and when will this be tested for PFAS and other harmful contaminants? There are 9 wells that are part of the groundwater monitoring system. A 3rd party samples them semi-annually for all parameters on IDEM's detection monitoring list. Detection monitoring is the basic level of monitoring for all landfills in Indiana. Decatur Hills has always been in Detection Monitoring only, there are higher levels of monitoring that are required by IDEM if landfill contaminants are found during detection monitoring. PFAS compounds are not on these lists at this time, but if they are added Decatur Hills would have to sample for them.

16. Does the landfill expansion follow State & County guidelines of approval? Yes, any expansion application has to comply with current laws and regulations.

17. Does the existing landfill have State, Gov, and or Local approval to bring in out of county trash to our local landfill? Previously discussed in items 2 and 7 above.

18. How many fines have been issued to this landfill, BEX, and other partners? Decatur Hills, BEX, and Best Way have never been fined for any environmental violations. At the February meeting we stated that Decatur Hills had received a Notice of Violation (NOV) related to their air permit. That NOV was issued in February 2018 and retracted by IDEM in April 2018. The inspector believed that a small diesel engine had been left off of our air permit. We were able to show them a permit application from 2011 that

listed the engine, so they retracted the NOV.

19. What are the max fines and citations of the EPA and IDEM? The penalties vary by department, but EPA's maximum fines are a little over \$100,000 per violation per day, and IDEM's maximum fines are \$25,000 per violation per day.

20. An aquifer is under the existing & proposed site. A 2nd opinion not associated with BEX or the landfill should be required. How & when will this be checked? The County hired 2 professionals, 1 from Purdue and 1 from IU. BEX/Decatur Hills/Best Way was not involved in the decisions about who to hire and had no connection to either of the professors. Both professors discussed the presence of the bedrock aquifer as well as the protections provided by the design and materials of a modern landfill as well as the many feet of glacial soils. The board has access to recordings of those discussions.

21. HOW AND WHEN will the noise pollution that is already apparent and a nuisance to neighbors be tested/measured and what is projected with the future expansion? We are not aware of any noise violations at our existing operation.

22. HOW AND WHEN will the air quality in the area be tested for PFAS and other harmful contaminants? Decatur Hills has an active air permit and is in compliance with the requirements of that permit. As of now, there are not any requirements for landfills related to PFAS compounds. If and when those requirements exist, we will comply with them.

23. HOW AND WHEN will the soil of the existing and proposed site be tested for PFAS and other harmful contaminants? If IDEM had reason to believe that the soils on or near the site was contaminated, testing would be required.

24. HOW AND WHEN will the neighbor's water wells near the site be tested for PFAS and other waterborne pathogen? The 3rd party semi-annual testing required for the onsite monitoring wells shows definitely that Decatur Hills is not releasing any contaminants into the groundwater on or near the site.

25. HOW AND WHEN will the water near site be tested for PFAS and other waterborne pathogens? Storm water leaving the site is sampled two times per year for a list of parameters required by IDEM. As of now, there are not any requirements for landfills related to PFAS compounds. If and when those requirements exist, we will comply with them.

26. HOW AND WHEN will the leachate area/pipes be tested for PFAS and other harmful contaminants? The leachate is sampled monthly and semi-annually, according to our permit requirements from the wastewater treatment plant. As of now, there are not any requirements for landfills related to PFAS compounds. If and when those requirements exist, we will comply with them.

27. HOW AND WHEN will the water that is dumped into the creek from the water treatment plant that "cleans" the leachate be tested for PFAS and other harmful contaminants? We are not familiar with the requirements for a wastewater treatment plant, but requirements and regulations that affect their permit from IDEM are passed on as requirements in the permit they issue to us. We have been and will continue to be in compliance with our wastewater discharge permit.

28. How many fines have been issued to this landfill, BEX and other partners associated? None, see #18 above.

Additional Comments

1. Why don't they put the landfill on less desirable land? The land we are requesting the Special Exception for is designated for this use in the Comprehensive Plan.

2. They should not be moving closer into the city limits. The proposed expansion is still

over 2 miles outside the city.

3. Water is a very important assets to any community. Why take a chance that this landfill will pollute our underground water, creeks & water wells. See #15 and #20 on Questions page.

4. Obviously other counties don't want a landfill so WHY do we? This is a forever thing & the health of our community should be our first priority. Decatur Hills Landfill is designed and built according to IDEM's rules and regulations. IDEM's purpose is to protect human health and the environment for all residents of the state of Indiana.

5. What if, after they get a large foothold in this county that they can say or do whatever they want about the charges & compensation fees?
See #9 on Questions page.

6. They are a business & our board's job is to take care of the residents of this county's health. Decatur Hills Landfill is designed and built according to IDEM's rules and regulations. IDEM's purpose is to protect human health and the environment for all residents of the state of Indiana.

7. Why are we, as Decatur County residents so willing to bring trash in from so many other counties? Over 91% of the waste brought to Decatur Hills is hauled by Best Way. The purpose of Decatur Hills Landfill is to support our collection business, which represents 79 jobs and millions of dollars of spending in the local economy.

8. Why can't we wait on the grant that Purdue received to test for water & PFAS? This grant is part of an EPA research project. Any changes in regulations that may come from this research will pass from EPA to IDEM. All generators of this waste would have to comply (e.g. manufacturers, industrial users of PFAS, wastewater treatment, landfills, airports, agriculture, and residences).

9. Shouldn't we test the soil that the leachate is being put on to ensure our safety? We would like to take this opportunity to clarify, again, that the leachate from Decatur Hills is not land applied, it is disposed in compliance with a discharge permit at the Greensburg wastewater treatment plant.

10. Shouldn't someone beside the landfill personnel be required to perform tests & reports? Decatur Hills does hire a 3rd party to collect IDEM-required groundwater samples. The sampling and analysis is all performed according to a very detailed site-specific plan that is approved by IDEM. IDEM has the right to observe sampling activities and/or collect their own samples at any time.

11. Is the board being selective with enforcement and voting power when it votes against other businesses for lowering property values, not have a hardship claim, being a nuisance (smell, noise, rodents, road damage, not being open with the community of its fines, possible contaminants) to neighbors but will consider this business to be approved even though it is proven to cause harm? This request is for the expansion of the existing Decatur Hills Landfill. It is a continuation of the existing operation onto adjacent property that is owned by BEX Farms and properly zoned for the requested use. This use conforms with the approved Decatur County Comprehensive Plan.

12. Rick Nobbe & Paul Stone both gave input that the County should be able to help with paying for some testing. How & When will this be done? We are not aware of any plans the County may have in this area.

13. Does the existing landfill have State, Gov, and or Local approval to bring in out of County trash to our local landfill? Does the landfill expansion follow State & County guidelines of approval? See #2, #7, and #16 on Questions page.

14. Do we want the brand of Decatur County to be the Tree County or the Dump County

that smells?

15. If the existing landfill is proven to pollute our water, lower our property value, damage our community's health, contaminate our land and air, and kills people, can you afford to pay for all the liability and damages? See #10 on Questions page.

Brad: I will open it up to the floor to the public, I want this to be fairly quick, we have a long agenda later tonight. What we need to hear are facts, and I need new information, we need to hear anything that you guys have that we need to know. We have had a full set of questions answered and Kurt has given us his presentation so if anyone has anything that is new and pertinent, please come up.

Audience

Shawn Green; I have a bunch of questions, you said you could get us answers to, it will probably take more than 10 minutes for that. I'm just curious where you guys are at on answering those questions. **Brad;** we have received all of the answers to the questions that you and everyone else posted. **Shawn;** no, I'll just start out with this. The previous meeting the board requested that we not ask any questions pertaining to the landfill because it didn't have anything to do with the zoning, etc. etc. However, all members have made the oath to this community, can the board in good faith say that they are following the oath that they have promised to this community if you approve this expansion? And those oaths, some of the highlighted parts on the area; this will not be injurious to the public health, safety, morals and general welfare of the community. You said it won't devalue properties, for his slide show, everything has gone up in price and value, and most of the houses within a mile they have purchases so I think that is a false thing saying that the property values will not decrease. Also, it says that your oath has to be a necessary hardship. We are talking about something, I've heard anywhere from 15 to 50 years out, that they don't need this right now. That is not being met. It also says circumstances that do not result in actions of (inaudible). The applicants want to come here. So more oaths that you say you will back the (inaudible) it will serve and be adequate for the health and welfare of the people. Also it says that it will not cause excessive production traffic which it does. Noise, smoke and dust and fumes which it does and odors, which it does. So that is just a few of many questions, I will come back up if we have to, we will just keep sticking in there and keep coming back because we don't have anything else to do. I'm just having a hard time understanding why something gets tabled so long when they aren't prepared for one and they aren't meeting the oaths of the board.

Merrill Smith; I live within a mile of the landfill, back towards town. 1) The landfill provides a very important service to our community in that they responsibly handle our trash and recyclables. 2) We all have trash that needs to be dealt with in a safe manner. Unattended trash cans create a very unhealthy situation and attract rodents. The landfill provides the opportunity for citizens to remove their trash in a very safe and economic manner. 3) I find the landfill to be kept in a clean and environmentally attractive scene. Many trees have been planted and lawncare well maintained. 4) The landfill employs many local people with good paying jobs. These employees pay local taxes and to business in our community. 5) Our landfill is currently able to handle trash from outside of our county. These customers pay for this service. This is no different than people coming from outside of our county to do business with our many local businesses. This brings money into Decatur County. 6) If the landfill is unable to expand for future safe operation and has to shut down, where will our trash be taken to and at what cost? 7) I admire the landfill for their foresight and planning for the future to take care of our trash and recyclables in a safe manner. 8) One letter to the editor tried to ask is we care that Decatur County has a high cancer death rate trying to

associate this with the landfill. My doctor asked me about the health background of my parents and grandparents in reference to cancer. I feel genetics have a big part of our cancer problems and many of us are related in this small community. My doctor never asked me if I live near a landfill. 9) I encourage our community to assess the true value of having a safe, responsible landfill that we can very economically utilize. Yes, I live close to the landfill, I hear a little noise once in a while and maybe a little smell but nothing that doesn't go with living in the country. I guess I speak up in favor of the landfill because it's what's best for the community and I'm not worried about my own personal values. Thank you.

Arlene Cook: I live in Greensburg, I question why we take trash from other counties and now we want to expand out landfill. I don't think that is a good idea. Am I wrong? Just because it's money, we want to put our landfill and our people at risk, that is my one question. Why are we taking trash from other counties, I don't understand? Can you tell me why, money? **Brad;** you need to address us, we are not going to answer questions. **Arlene;** I'm against the expansion, if we have our landfill full of other trash from other counties now, we want to expand. I also question recycling, I don't understand recycling but all this stuff, glass and everything in our containers, who sorts it? I don't understand that either. That is my questions.

Jean Johannigman: I have addressed you before on the PFAS but I have a question for you concerning the leachate. And we know that Purdue has a million-dollar grant to study PFAS, we have been told by IDEM that they have a committee study. The state has a law sitting there on PFAS, now we can ignore that this is taking place and deal with the consequences when it comes but what you have to consider is what we are doing right now. I gave you an example that showed what happened when another town, not much difference than the size of Greensburg, in another state, where they passed the PFAS laws and the financial repercussions, (inaudible). Now the leachate from the old, current and any future expansion is still at this time being pumped into Greensburg. We have been told by a testing company, you don't even need to test for PFAS, it's there. Because it's in pizza boxes, carpets, clothing, things that go into the landfill every day. It is a forever chemical, so it does not degrade. When they come with whatever law they are going to pass, what are we going to do with the leachate? What are we going to do with the leachate, what are we going to do with the brown (inaudible) contaminate the leachate? Are we going to continue to take in 75% more from out of county and complicate what we are going to have to deal with? I think we need to be proactive and not reactive. I understand that they are complying with current laws, this is something that is coming at us, we can either consider it or not.

Shawn Green: On the oath, the general welfare, etc. etc. etc., that we couldn't ask in the past, can I ask each one of you, do you agree that we are following all of the ordinance and your oath to get a variance passed. **Joyce?** **Joyce;** you can ask but we can't answer. **Brad;** that is part of this board, we have to decide that for ourselves. **Shawn;** but you asked us to ask questions and we didn't get the questions answered. **Joyce;** the thing that you are quoting about our oath, that doesn't have anything to do with you folks. That is us and our own (inaudible). **Shawn;** yea, but aren't we a community. **Joyce;** yes, we are. **Shawn;** these boards, from the last I don't know, a year and a half or so, it just seems like everything just keeps getting shoved, first you can't talk to us, you can't talk to us anywhere except for here, that was the first, whatever you call it, not face reality. And now, we can't get an answer from you? **Brad;** that is our oath unfortunately. **Joyce;** we can't talk amongst ourselves even. **Shawn;** but they can ask you guys questions... **Brad;** what we need from the public is your opinion, that is what we need to shape our decision, that's what I am appreciating here, we are getting everyone's opinion. That's what we need in order to make our decision. **Shawn;** ok. One more thing, this part is not opinions, this is part of the a,b,c,d & e of that section and the 1, 2, 3, 4, 5 of that section and then the other section, section 315, you have a,b,c,d,e,f and when you vote, you have to agree that you are hitting all of those for it to legally be approved.

That's a yes, you wouldn't be on the board. That is why you have that thick book that I have read that is really boring. I just want that to be in writing and recorded that whatever you approve has to meet all those categories. **Brad;** yes. Thank you, Shawn.

Julie Lowe: via zoom: I live in Columbus, IN but I have lived in the same watershed you all do. I am concerned by the request from the Decatur County Landfill and I ask that it be denied. From what I understand, the landfill waste is processed at the wastewater treatment facility and to contaminate by products are released in Greensburg and surrounding communities. The water contaminated with PFAS and other toxins that remain after the process and released into gas creek. The smell of by product leachate, or sludge is spread over Decatur County soil. This is a risky practice and care should be taken not to contaminate water aquifers and streams. This process alarms me, allowing the landfill to expand would increase the waste production which will cause even more toxic byproducts to be spread onto the Decatur County farmland and possible contaminate the water with forever toxic chemicals like PFAS that we are not able to filter out. We poison any of our water then we have poisoned it all. The latest research shows that contaminates present in the community water, even at legal standards, still harm people's health. I ask that the county please investigate other sources of income, and that the BZA not allow the landfill to be expanded. And, also, the EPA has concluded that all landfills will eventually leak. Thank you. **Brad;** thank you Julie, I'm going to try to run down that really quick, was from Bartholomew County, she advised us to vote against, basically similar to what Jean has mentioned, the PFAS chemicals going to the sewer treatment plant and then being spread back out onto the ground, contaminating ground water. That's the just of it.

Bill Obermeyer: part of my comments is from last meeting, I think when Joyce brought up about smell, there is still smell, I have got it logged. A lot of days 6 a.m., it smells to and past Merrill's place, I have got pictures of over 100 buzzards there, Paul Stone smelled it the night after the APC meeting, and it seems like we just can't get answers. We have been there since 1980 and it started in 2019, and it can't seem to get addressed. Then my concern is, if there is 75% of the trash coming in from out of county, we will get another large acreage landfill, obviously you get more landfill you are going to get more trash coming in. So then what is it going to be with the smell and traffic, if anybody sits at the Courthouse and watches the traffic go by, I would guarantee there is more Best Way trucks than any other trucks go by. It's just a concern for the health of future generations. Thank you. **Brad;** thank you Bill.

Brad; I have time for one more. If no one, Kurt would you like to come up and rebuttal anything and also give Gary Fischer, the board member on the phone a chance to ask any questions? **Kurt;** I don't see anything new or that we have not addressed in the questions that were presented to us. If you all would like some clarification or dig into any of it, I'm happy to.

Gary Fischer; what happens if we vote no? What is Best Ways business plan going forward? What are the counties plan then, what would the counties plan be to have a landfill operated on its own like Bartholomew County, or it's not economically viable for a business prospective for Best Way to continue and if they close today, what happens there, what is the timeline, what does that look like? **Kurt;** if we vote today to deny this, I would assume this would die today and not move forward. We would have to look at the space in the existing landfill, it is our inventory. We would have to start looking at a plan on how we would start managing that inventory to support our existing business. To the extent that we can. Ultimately, if there was no expansion, then the existing landfill is going to close. When that happens then Best Way, which is the collection company, would have to evaluate what makes the most sense for them. Does it make sense to still be in Decatur County and still be in Greensburg or does it make sense to load the trucks and operate out of some other location and come to Greensburg to pick up the waste that needs to be picked up.

Those are all decisions that we would have to make as we evaluate that inventory as it declines and then disappears. Does that help Gary? **Gary;** yes, it does, thank you. **Jay;** the recyclables, can you go through what happens to the recyclables in Decatur County, and where it goes, what is the process? **Kurt;** in Greensburg, Best Way picks up recyclables, those get put into larger trucks and get taken either to Indianapolis or there is a recycle plan in Muncie, most of it goes to Indy. Those locations sort, the cardboard that is here is kept separate. The cardboard goes to Indy, Hartford City Paper. Plastic/glass gets sorted by hand and some by machine. It's a job taking those things and trying to find the ones that can be recycled, at the end of the day recycling is taking something that is waste to me and turning it into something someone else wants to buy. That's a tough job there is not a lot of money for anyone in that process. There are things coming, through the EPA and IDEM and some other organizations, that are going to hopefully improve our ability as Americans to understand recycling and to create more truly recyclable materials. That is what happens with the recyclables that Best Way collects. **Jay;** just for clarity, for new people and a refresher for the board, what is the further steps, what is the steps, if this passes this board, give us an example of where and the timeline of how this goes. Because we sort of heard what happens if it gets denied, tell me what happens and what the timeline looks like with a positive vote. **Kurt;** the next step, if a favorable vote would be to talk to the Highway Department about CR 280 but outside of that discussion as far as landfill specifics would be to start doing some investigation work with soil borings and groundwater monitoring, new locations to determine the existing conditions and then use those to develop or design the line. All of that work would probably take a year to put together an application package for IDEM, then IDEM probably takes 12-18 months of back and forth before they are ready to make a decision on our application. **Jay;** this doesn't go before our Commissioners? **Kurt;** no, the special exception is the jurisdiction of this board. **Jay;** so still a few years to get this up and going plus you have to move dirt and then build the liner, so are you talking 5 years? **Kurt;** probably, that would be realistic. Going back to the inventory list, it's a lengthy process.

Joyce; none of us are here to stop someone in a business of stopping someone who owns their own property of having a business. Like if you brought hogs in to you farm from another place in the county or country, or another state, no one is going to say anything about that. Whatever it is that is your commodity that you use wherever you are out. This is a business that has been here for 30 years. If the problems come, I promise you that IDEM will be down on them (inaudible).

Brad; I will allow a couple of more comments and then we are closing the floor. **Jean;** 280 East road was going to be closed, then not and now brought back up. Does that mean that what you said about 280 East is going to be closed? That is a question. Another thing, constitutional yes, he has a right to run his business, as long as constitutionally that it doesn't infringe on the rights of others. And health implications (inaudible) on the rights of others. And those are just a couple of comments that I wanted to make.

Jane Obermeyer; I live on 300 S, the smell is not pleasant, our concern is that it will, as you increase the size, go further. You heard the murmur in the back when you said the next step was to talk about closing 280, a year ago we sat in a meeting, we are not going to touch 280. If that can change in a year, what other things can change in a year? I know you have heard murmurs about property values, because we know for a fact how many houses people associated with BEX Farms, they bought a lot of houses on 421, and how many houses were sold right there along 421, but my other comment is that we have been at these meetings since March and twice the board has come to the, "oh, if we voted on this tonight it would be no", twice now. And it seems like every time you get close to the no, you postpone it, and I don't know whether you are hoping we don't show up, or what the reason is, you are close to know nothing has changed and we postpone it until, I don't

know what. But twice it has been “ok, if we vote tonight it is no”, so we are not going to vote tonight, I just guess that I don’t understand that and I do hope you vote no, thank you.

Brad; thank you Jane. I am closing the floor now and I will look for a motion.

Janey Livingston made a motion to vote on BZA 2020-21; Gary Fischer seconded the motion. With a vote of 3 yes and 2 no the petition passes.

The meeting was adjourned at 7:36 p.m.

Decatur County Board of Zoning Appeal

Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

Brad Schutte, President Decatur County Board of Zoning Appeals