

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, October 3, 2012 at 7:00 pm

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Chairperson Patti Osborn, Vice Chairperson K.C. Duerig, Debbie Lord, Sue Fish, Ed Oppedyk and Jim Martin. Also present were Attorney of record Phil Miller, Director Alan Christy and staffs member Beth Bresnahan and Kacey Hultenius.

Osborn established a quorum.
Pledge of Allegiance.

PUBLIC HEARING

Continuation for Alternative Environmental Systems, LLC. for a Conditional Use Permit for a tire storage and pyrolysis facility in a Heavy Industrial (M2) Zone. Case Number: CUP-2012-06. The site is located in the NW ¼ of the SE ¼ of Section 34, Township 1 South, Range 4 East, B.M. A common means of locating the property is from the Simco Road exit on I-84, head south on Simco Road for approximately 4 miles. Property is located on the north side of the railroad tracks and the west side of Simco Road at the end of Recycle Way.

Bresnahan gave staff report and background.

Steve West is the applicant. He stated along with him is Bill Young who is the President of Alternative Environmental Systems and Rocky Warner who will be the plant operator assuming they get approval. He stated that he wanted to thank staff for meeting with them to get issued worked out for this CUP. He gave a power point presentation about the proposed facility. He stated that the definition of pyrolysis is a process of thermal degradation in an oxygen starved environment and converting them to gas and oil. He stated that it is basically the decomposition of complex molecules by heat in the absence of oxygen. He stated that this limits the ability for fires. He stated that this is not a new process and that there are many facilities in this country and around the world that utilize this technique. He stated that they are proposing 40.06 acres for this facility. He stated that they will have up to 10,000 tires onsite. He stated that it is not a storage facility as stated in the staff report; it is actually a rolling storage facility. He stated that 10,000 tires is roughly a 10 to 20 day supply to keep the facility running. He stated that they will erect an 8 foot tall security fence with a locking gate per the ordinance. He stated that they have a 50 foot fire barrier around the entire facility even though the ordinance only requires 30 feet. He stated that the 3 products they anticipate coming from this process are a carbon char, steel, and oil. He stated that 99% of the tire can be recovered into something that's useful. He explained the pyrolysis from start to finish. He presented a picture of the proposed site plan and facility layout. He stated that staff had mentioned that they needed more parking than what was being proposed. Staff had recommended 10 parking spaces with 2 ADA spaces and the applicant is proposing 5 spaces including 1 ADA space. He stated that they would hope for some accommodation to be able to stick with the lesser parking spaces because there will be no public access to this facility. He stated that the parking has been sized to accommodate the number of employees they anticipate working at the facility. He's stated that they are hopeful the commission will give them some consideration since it will be an added expense that isn't necessary and a waste of

parking. He stated that at this time they have approval from DEQ to allow for 72 loads to be processed through the facility to collect the emissions information data to validate the modeling that's been done and make a determination on whether or not an air permit is even required. He stated that there is an air permit exemption to allow time to collect the emissions information to make a determination whether or not a permit is necessary. He stated that they determine a permit is needed by determining if your emissions cross a certain threshold then you must obtain a permit to operate in compliance with state law. He stated that state law is a reflection of the federal clean air act but they are Idaho's rules. He stated that they did not have the emission information available for them to make a determination if the facility would actually exceed the threshold values that would require a permit so there is a trial period to allow them to collect that information. He stated that if a permit is required they will go forward with that information. He stated that he expects a permit will be required. He stated that they don't anticipate any hazardous waste at all. He stated that they anticipate a septic system and potable water supply either by well or bottled water. He stated that they county is probably in a very strong position to be able to review the progress and maintain some level of control over the development of this facility.

Martin asked if they have an optimum of tires that will be stored out there.

West stated less than 10,000 based on a 500 tire per day rate.

Martin asked if they have control over the amount of tires that are arriving.

West stated that they do.

Christy stated that there is an undeveloped Sunny Side Townsite plat on this property dated 1903.

Duerig asked where the tires would be coming from.

West stated that ideally locally from major distributors and maybe stockpiles in the immediate area that they county expressed trying to get help resolving some of those issues.

Fish asked what getting a permit does as far as emissions are concerned.

West stated that it really does nothing but allow for chemical analysis to determine whether or not additional precautions must be taken.

Blanksma asked what the primary source of heat will be.

West stated diesel fired burners.

Miller asked how much waste water would be generated from washing the tires.

West stated that they estimate have a roughly 600 gallon wash down tank. He stated that water would be collected into a sump and recycled. He stated that they do not expect any hazardous waste on the tires.

Miller stated that going back to July of 2009; a letter from DEQ stated that they are going to deny your request for a concurrence operating permit. He asked what exactly that would have been and how is it different from the pilot project because some of the language he's seeing here for the pilot project states that it doesn't produce a product for sale and so forth. He stated that it seems that you are building a full size project and operating that as a pilot.

West stated that DEQ knows exactly what they are proposing. They have been involved in discussions and have had opportunity to see the equipment and how it operates. He stated the concurrence letter from DEQ basically says that AES is going to go forward and run the required number of batches, collect the information and set up a monitoring plan that they approve.

Martin asked if there was any public funding anticipated.

West stated there would not be.

Osborn stated that they are requesting a waiver for the parking. She asked how many employees would be there at any given time.

Bill Young stated that there would be no more than 6 employees. He stated as AES potentially grows they would ask to expand. He stated that this is a private facility and are not open to the public whatsoever.

Jeff Huber signed as opposed. He stated that he represents a property owner to the east of this project. He stated if this is approved the applicant should be required to put up an 8 foot wall around the entire facility. He stated that in a letter from Centra Consultants dated September 7, 2012 the applicant agrees to

a wall. He stated that that everyone realizes that they are storing tires on this facility. He stated that if this facility does not become profitable that they place a bond up to remove those tires in the event that this facility closes. He stated that the fire marshal really doesn't have a handle on what type of fire prevention should be installed in this facility. He stated that the air quality is the main concern. He stated that it is confusing as to why there is no air quality report from the previous facility and this could be potentially dangerous and that this should be denied until further information is received from DEQ.

There was no one else signed up to testify.

Steve West gave his rebuttal to the public testimony. He stated that when speaking with staff they were agreed to an 8 foot chain link fence and not an 8 foot wall. He stated that there are legal definitions as to what constitutes a waste tire storage site and under these definitions this is not one of those. He stated that they anticipate having a site safety plan in place for fire protection. He discussed the plan with DEQ regarding air quality that he had discussed previously.

Miller asked if it was their position that they do not have to put up a bond at this time.

West stated that he does not believe that there is anything that would require a bond and do not see that there is anything unusual about this type of operation. He stated that there are currently tire storage facilities in the area that do not have a bond required of them and they want to be treated in the same way that they are if they are deemed a tire storage facility.

Miller stated that according to state code new waste tire storage site specifically includes storing waste tires prior to recycling which is basically what you guys are doing with this facility. He stated that according to state code to store means to have 200 waste tires on the site at any given time. He stated that it would to him that this would cover their plan.

West stated that there may be an instance where the definition of a "waste tire storage facility" may be in conflict with how state law describes it. He stated that it is reasonable to expect fair and even treatment across all tire storage facilities and if that you are going to start applying a bond requirement to facilities that aren't designated a tire storage facility then it should be unilateral throughout the county. If the decision to require a bond does go forward than that is the decision equally then they will live with that, otherwise it becomes arbitrary and capricious and I don't think that is where we want to go.

Osborn stated that based on your comments you may have objection to condition 10 in the staff report.

West stated that he does not know if he is objecting to it, but if DEQ determines this a waste tire storage facility then they will have to live with that. He stated that he asks all waste tire storage facilities are treated the same.

There was no further testimony.

Osborn closed this public hearing.

Commission action:

Blanksma stated that for the commission to deny this permit based upon parking is wrong. He stated that as representatives of the county we should not be guinea pigs thru the DEQ or whomever; we should be the final say as to whether or not this is approved in Elmore County. He stated that the fuel source being used to heat these tires is combustible and not flammable an 8 foot wall and 50 foot defensible space is not remotely adequate for fire prevention. He stated that as is he is not prepared to approve this application.

Commission consensus is to waive parking requirements.

Martin moved to approve with conditions proposed by staff with the additional conditions that there will be no public funding and to waive the parking space requirement.

Lord seconded.

A roll call vote was taken and was approved with one NAY vote from Commission member Blanksma.

Approved

Approved

MINUTES

Minutes from September 19, 2012.

Martin moved to approve.

Duerig seconded.

Motion carried unanimously.

UPCOMING P&Z SCHEDULE

Christy stated that they will have another meeting on October 17, 2012 with Mayfield Springs on the agenda.

MEETING ADJOURNED

Approved

Approved

Patti Osborn, Chairperson

Date:

Attest:

Alan Christy, Director

Date: