

WABASH COUNTY PLAN COMMISSION

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BZA MEETING MINUTES **December 22, 2015**

**Wabash County Board of Zoning Appeals
Wabash County Court House
Wabash IN 46992**

BZA Board Members: Mark Milam, Don Roser, David Schuler, Joe Vogel, Jerry Younce, and Attorney Larry Thrush

Members present: Mark Milan, Don Roser, Joe Vogel, and attorney Larry Thrush

Mr. Vogel opened the meeting at 7:00 p.m.

Don Roser motioned to approve the November 24, 2015 minutes as written.
Mark Milam second.
Motion carried.

Special Exception #15 West Plains Mining LLC
Request for a Rail Siding and Expansion of Mining Area
6601 W Old State Rd 24, Wabash
Part of Section 13, Township 27N, Range 5E and Section 18, Township 27N, Range 6E, Noble Township, Wabash County.

Will Woodward provided board members with documentation and presentations which had been previously reviewed by the plan commission board concerning the rail siding proposal and the expansion of the quarry for underground mining.

Howard gave a brief overview of the proposed request.

Woodward spoke on the quarries current status, business plan, proposed expansion and the scope of the Special Exception 15 application request. The proposed expansion and rail siding includes the Bex parcel containing 43 acres and the Ron Eads parcel containing 9 acres. The proposal for the rail siding shows two different proposed crossings. The application used for crossing Old State Road 24 will be determined by INDOT, not by the county or West Plains.

Woodward went on to speak on the primary concerns which were discussed during the previous meetings.

Milam, with regard to rail siding being put in under required specifications, who puts in the rail siding?

Woodward, the railroad puts in the siding up to the point it leaves the railroad right-of-way. West Plains will be responsible from that point on. The installation must meet rail road specs and inspections before they will sign off. We must maintain a class 2 standard. The railroad will thereafter govern the actual siding, and the route will be determined by INDOT.

Milam, If INDOT decides a tunnel is to be used who will maintain the tunnel?

Woodward, West Plains will maintain the tunnel.

Milam, who will be responsible for initial road cover if they cut the road?

Woodward, West Plains will be responsible for the initial road surfacing.

Milam, who will be responsible for determination of road repair should it be required?

Woodward, that would probably be the county highway Superintendent. All must be maintained to INDOT and railroad specs.

Milam, what is the timeline for the rail siding?

Woodward, would like to get started by late January.

Howard. It should be noted that the plan commission would prefer the crossing go under the road, but understand the decision will be made by INDOT.

Woodward, we have agreed with the Plan Commission's requested for West Plains to notify central dispatch in the event there is an issue with a train and a crossing is going to be blocked for more than 10 minutes.

Howard, this will be a unit train in which the entire 80 car train is specifically designated to go to the quarry to be loaded with product. There will be no unhooking and dropping off of cars like we see at other sites with rail sidings.

Milam, will there be a time when the train will cover both crossings?

Woodward, yes, with the train traveling at 10 mph, both crossing can be blocked for a period of about 1 ½ minutes. Train length is roughly 4300 feet and the distance between the two crossings is about 3600 feet.

Vogel, with issues previously experienced in the county, we would like to insure that upon closing of the quarry, that if a tunnel is used for the rail siding, the tunnel will be closed, sealed and shored up so as to prevent any further maintenance issues going forward.

Woodward, we would agree to filling the tunnel and shoring it up.

Vogel, would Mr. Howard please go over the other considerations which were presented during the plan commission meeting discussions?

Howard, the following are points which the county plan commission would ask to be considered as conditions for this application:

*It is the preference of the Wabash County Plan Commission that the rail siding go under the overpass if INDOT gives planners the choice of selecting which way to have the trains enter and exit the quarry.

*No development of the rail siding shall begin on the north side of Old St Rd 24 until all plans related to drainage are submitted to the Wabash County Drainage Board for review and have been officially approved.

*Whether INDOT determines that a crossing will be used over Old St Rd 24 or the train will go under Old St Rd 24 at the overpass, West Plains Mining, while not responsible for delays, agrees to notify Wabash County Central Dispatch in the event a train is stopped and is going to block the siding crossing on Old St Rd 24 or the siding crossing on County Road 700 W at Richvalley for a period of time exceeding 10 minutes per crossing.

*West Plains Mining agrees to pave the entire entrance area once siding is in. The area to be paved will be submitted for approval along with siding plans. In the event paving does not take care of the road grime to the satisfaction of the Wabash County Plan Commission, the commission shall retain the right to require a truck wash to be installed at the quarry to remove grime from trucks before leaving the quarry.

*In consideration of approval of the request for expansion of mining north of Old St Rd 24, which encompasses a parcel currently owned by Bex Farms containing 43.06 acres and a parcel owned by Ron Eads containing 9.14 acres, this approval will be for underground mining only. Aside from the required development for the rail siding, no open pit mining, no stock piling of products, or build-up of earthen cover from the quarry shall be permitted north of Old St Rd 24.

*In consideration of closing of the quarry and reclamation of the properties, all culverts, rail siding, and build up for the rail siding shall be removed, and the 43.06 acre and 9.14 acre parcel north of Old St Rd 24 shall be reclaimed to adapt to the current surroundings use. In the event a tunnel passage is created for the rail siding going under Old St Rd 24, upon closure of the quarry the tunnel shall be filled, sealed and shored up.

Woodward, West Plains agrees to all these points.

Vogel, open floor for public to speak.

Howard Lawson, Richvalley resident. Were board members provided with copy of the petition?

Howard yes,

Lawson, we have concerns about our wells, 4 or 5 went dry. People had to put in new wells at their own expense and that occurred when the mining started. We had 2 to 3 foot drops in wells. The DNR stopped checking well levels in 2012 because we had received above average rain and the water table was up. We have never had issues with wells before. Five had to have new wells drilled right in Richvalley. Water used to be really good and now it smells like sewers.

Foundations of older homes are not cinder block, they have shell stacked foundations and we have cracking from the blasting. I live right next to railroad and we have had pictures fall off walls from blasting.

Howard, the board does share concerns about wells but the State of Indiana provides property owners with a course of action to be used for well issues. Water levels dropping 2 to 3 feet is not uncommon with seasonal changes. DNR reports that 7 to 8 foot changes are not uncommon. The normal would be a 4 to 5 foot change over a year. The DNR did well testing at the request of the county starting in 2011 and all through 2012. The reason they stopped in 2012 was because they were seeing no records indicating any abnormal or significant changes in water tables for the wells being tested. During the testing period some wells were not able to be accessed. Some wells were sealed 2 inch wells and had a depth of 20 to 25 feet. Mark Basch from IDNR DOW recommends you have well depths checked. IDNR DOW provides laws which would require West Plains to provide a property owner with a new well if found responsible for the current wells failure. With regard to the odor, consideration should be given to the shallow well depths and inadequate septic systems in Richvalley.

Lawson, you are right, that is law, but that is after they test the well for 5 years. You have to pay for it up front and then be refunded after the DNR takes them to court. DNR will most likely win but a suit could be tied up for 12 to 15 years.

Howard, Mr. Basch did not indicate any such sequence or time period would be required. Indiana Code provides for timely and reasonable compensation. Most water rights issues addressed under the law are resolved fairly quickly. I do know that when the Poet Plant started operations, they required an extremely high volume of water for their process. Wells next to Poet which were affected by the draw down, were replaced immediately without any issues.

Charles Ziner, I live right next to rail and 700 W crossing. How much additional noise will there be? We hear train whistles now all the time. Don't need more.

Woodward, we are at the mercy of the railroad. It is totally up to them when they send a train in and when it leaves. We just have to have it loaded within 24 hours of arrival.

Anthony Bott, who monitors your seismograph?

Woodward, the seismograph is monitored by Austin Blasting Co. which is a third party company that does the blasting. It is a sealed unit which is calibrated annually by an engineering agency which the name of escapes me at this time.

Bott, so a third party is actually monitoring the seismograph readings and sending in the results, not West Plains Mining?

Woodward, that is correct.

Bott, if a train goes down and blocks both intersections, for say 20 to 30 minutes how will people get around it? How will they get to the prairie? The only way around is through town on 13 to Elliott Road and out to the prairie. Is there a contingency if it stops and has both crossings blocked?

Woodward, that would be a rare event, but there is always the possibility. All inspections and checks will be completed on the quarry by N. S. before the train ever leaves the quarry. In as much as all of us would like for it to be different, we have no control over what N.S. does.

Howard, first we need to remember, that a stopped train is strictly under the control of the railroad, not West Plains, not INDOT, or the county. Second we need to remember while it could be a short term inconvenience, 800 W is always open and there would be no reason to go all the way back to town and around. Also keep in mind that if this is approved West Plains will be required to notify Central Dispatch if either or both of the crossing are going to be blocked for more than 10 minutes. This would actually be a courtesy that the county currently does not receive from N. S. I verified this by contacting central dispatch which stated that no notification is currently being sent to them by N.S. when a train is blocking the crossing.

Amanda Rice, you stated it would initially be one train per week, what would be the most per week you would ship?

Woodward, the maximum would be 3 trains per week. That would be the maximum under our current operating capabilities.

Rice, How soon will that be?

Woodward, I cannot really give a specific time, but the sooner the better. There are too many variables which go into this to give a specific timeline.

Doug Simmons. I still have concerns about the time in which both crossings would be blocked. Will we have the opportunity to give our input to INDOT with regard to which way the rail siding goes?

Woodward, I am not familiar with the procedure for the hearing. I only know that INDOT, West Plains, N. S. and the County Highway Superintendent are to be in attendance for the hearing.

Howard, I would suggest contacting John Martin, the County Highway Superintendent for information regarding the hearing and voice your preferences to him.

Vogel, do we have any more discussion from anyone?

Herschel Hall, It was mentioned about septic getting into our wells. If that was the case we would be getting E.coli. I was one who had to have a new well drilled.

Howard, the citizens just mentioned here tonight it smells like sewer. I know there have been septic issues in Richvalley especially in the west central part of the town. Wells 20 to 25 feet in depth would be a real concern to me to continually be drinking water from them.

Vogel, have you had your well tested?

Hall, no it was in basement and they couldn't get to it.

Vogel, how deep is your new well?

Hall 65 feet, but will that depth later become an issue? The quarry is lower than we are in town so it will draw us down first.

Woodward, The water actually runs on top of the bedrock. The bedrock is only 7 to 20 feet at the quarry. Where you are at the bedrock is 90 to 100 feet down. The water is actually running in your direction towards the Teas Valley.

Howard, the elevations that Mr. Woodward is talking about are in relation to the rock topography under the ground not the actual visual elevations we see on top of the ground.

Woodward, Mr. Ravenscroft stopped in to inquire about the quarry and his concerns. He is the closest owner south of the quarry and reported his static water level at the old Mill Creek Quarry is about 2 feet lower. That would be reasonable since he is within 1000 feet of our mining.

Vogel, do you have a lot of water running into the mine?

Woodward, from time to time you have little cracks, we call pissers, with water shooting out of them. Our well is 165 feet. This is the same depth as our mine, and there is still enough water running through the bedrock layer to keep us in water with no issues. Think of it as different layers and each layer has a floor and ceiling and the water runs within that layer between the floor and ceiling.

Vogel, so you should have continual flow of water within the layers.

Woodward, yes, West Plains pumps out at most 2 million gallons per day. The river which I checked today is flowing at a rate of 6 million gallons per minute. The river helps to replenish the area also. That also helps to keep the static water level replenished too.

Howard, per the data provided from the state West Plains is pumping one of the lower volumes of water out of the quarry on a daily.

Woodward, for example the quarry at Noblesville pumps 35 million gallons out of its operation daily.

Vogel, what would be your recommendation for area residents.

Howard, I would encourage residents to get wells checked and continue to keep having them checked for seasonal averages.

Lawson, so it's just a coincidence that in the last 3 years five people have had to drill new wells in Richvalley.

Woodward, it may be. DNR records show we are pumping no more water now than we were during the prior five years.

Lawson, I think it is because of the quarry.

Howard, one thing we should also remember is weather patterns over the past five years have played a major role in conditions. Going from a dry period to an extremely wet period, as we did in 2013 and 2015, will cause more silt movement which can result in well pump screen issues and failures. The wells which were having issues are wells of 1 ¼ to 2 inches in diameter and have a depth of 20 to 30 feet. I'm not saying that is the cause, but no documentation has been provided to us from the state indicating the reason for the failure of the 4 wells, and based on statements made tonight the old wells were never evaluated for verification of failure.

Bott, I just ask that as you vote you put yourselves in our position as resident of Richvalley. We hear and feel the blasting. It's almost like if the railroad is going by. Feels just the same, like it does when a train goes by. Need to address the speeding trucks. We realize that is not West Plains but the truck traffic is from the quarry.

Hearing no further discussion, Mr. Vogel called for vote sheets for the expansion of the underground mining of the Bex and Eads parcels.

Milam, the conditions which were read earlier will be applied to both the rail siding and the quarry expansion?

Howard, yes they will apply to both.

Members voted unanimously to approve the expansion of the quarry.

Mr. Vogel called for the vote sheets for the rail siding

Members voted unanimously to approve the rail siding for the quarry.

Mr. Vogel thanked all for their input and curtesy throughout the discussion.

Mr. Howard updated members on the current status of the Ordinance Draft.

Hearing no further no further discussion, Mr. Vogel called for a motion to adjourn.

Mr. Milam motioned to adjourn.

Mr. Roser second.

Meeting adjourned. 8:15 PM

Also present: 105.9 The Bash reporter Tim Arnett, Charles Ziner, Lana Fairchild, Ron Eads, Herschel Hall, Jim Keffaber, Sam Coldren, Anthony Bott, Howard Lawson, Amanda Rice, Tim Cooper, Doug Simons, Mike Schuler, Andrea Schuler, and Bryan Deeter.