

MINUTES FOR MARCH 16, 2015
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

CONVENE

Commissioner Hilderbrand called the regular session of the Cherokee County Board of Commissioners (The Board), to order and led all in attendance in the Pledge of Allegiance at 9:00 AM on Monday, March 16, 2015 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioners Richard Hilderbrand, Charles Napier, Pat Collins, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt, Machel Smith, Jordan Zabel

A motion was made by Commissioner Collins to approve the Minutes of the BOCC Meeting for March 9, 2015. The motion was seconded by Commissioner Napier. The motion carried 3-0.

Jack Wilson - Sherman Cemetery

He appeared before the Board asking for approval to purchase approximately 45 flags for the cemetery. The Board referred him to the Sheridan Township Board since they budget funds for the Cemetery.

A motion was made by Commissioner Collins pursuant to K.S.A. 79-1701a to approve one clerical error in the valuation of a property located at 1570 S High School Ave., owned by Douglas Carroll, as recommended by the Appraiser's Office. The motion was seconded by Commissioner Napier. The motion carried 3-0.

Jim Triplett - President, Grand Lake Watershed Alliance Foundation

He appeared before the Board to inform them that they are currently conducting a survey through Pitt State University about water quality issues concerning the Grand Lake Watershed. The survey can be found on their website at www.glwaf.org.

At 9:15 AM the Board moved to the District Courtroom to attend the Public Hearing of the Cherokee County Solid Waste Committee.

A motion was made by Commissioner Hilderbrand to amend the agenda for Dale Oglesby from 11:00 AM to 10:20 AM. The motion was seconded by Commissioner Collins. The motion carried 3-0.

Dale Oglesby - Mayor, City of Galena

He appeared before the Board concerning the City of Galena's contract for a municipal solid waste facility with Jordan Disposal. He stated that he respects the efforts of the Solid Waste Committee. Part of Galena's emphasis is not 100% for recycling, but they are interested in keeping a small footprint for the waste site. He stated that he is in charge of presiding over Galena and he knows where they are with waste, water, and sewer. He sees the landfill as an opportunity to fund a waste water treatment facility. Chairman Hilderbrand asked that since he

RA

is part of the Cherokee County Economic Development, why he has broken off in regards to a county waste water treatment facility. The Mayor stated that he is still a member of the regional effort, but there are concerns of being able to get sewage over Camp Joy Hill. He stated that they have done some things wrong, but done a lot of things right, and can be criticized for lack of knowledge.

He asked two points of the Commissioners:

1. In regards to the County Solid Waste Management Plan on file with the State of Kansas, is the Galena plan consistent or inconsistent with that plan?
2. In regards to zoning or land use, is the Galena plan consistent or inconsistent with local land use restrictions if zoned or, compatible with surrounding land use if not zoned.

Commissioner Hilderbrand stated that since legal counsel was unable to attend today's meeting, the Board would not answer any legal questions.

Mayor Oglesby left a blank application for permit with the Board. It was used only for the purpose of referencing the questions on page 10.

In response to questions asked by citizens in attendance regarding the contract not stating anything about recycling, the Mayor stated that both sides of the contract have agreed that changes need to be made to the contract. When asked if the Galena City Council has approved such changes, the Mayor replied that he wasn't sure.

A motion was made by Commissioner Hilderbrand to amend the agenda for Nathan Coleman from 11:30 AM to 10:45 AM in the Commission Room. The motion was seconded by Commissioner Napier. The motion carried 3-0 at 10:38 AM.

Nathan Coleman - County Counselor

He appeared before the Board regarding legal matters concerning Cherokee County.

The Board will defer to Mr. Coleman and have him contact Counsel David Cooper regarding the legal questions raised during the earlier public meeting.

A motion was made by Commissioner Hilderbrand to enter an Executive Session with the Board and Mr. Coleman for a period of 10 minutes for the purpose of Attorney/Client Privilege. The motion was seconded by Commissioner Collins. The motion carried 3-0 at 11:39 AM.

The meeting reconvened at 11:49 AM.

RH

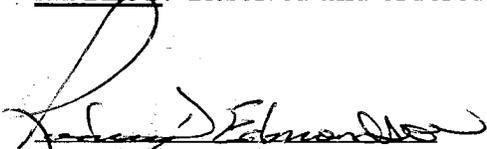
Carl Hayes - Chairman, Cherokee County Solid Waste Management Committee

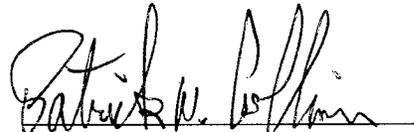
He appeared before the Board to inform them that the committee voted 6 yeas to 5 abstentions to approve the suggested revision to the County's Solid Waste Management Plan.

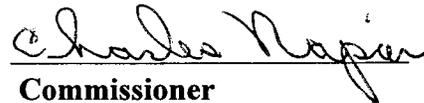
Chairman Hilderbrand stated that on recommendation of the committee and information gained during the Executive Session, consideration of the resolution will be tabled until counsel has a chance to review the legal questions.

Commissioner Hilderbrand made a motion to adjourn until the next regularly scheduled meeting set for March 23, 2015 at 9:00 AM. The motion was seconded by Commissioner Collins. The motion carried 3-0 with all voting yes at 11:59 AM.

ATTEST: Resolved and ordered this 23rd day of March, 2015


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

Application for Solid Waste Landfill Permit

* This application is required for "significant" modifications as defined in Bureau of Waste Management Policy 98-05 (any increase in property area, and/or increases of 10% or more in the disposal capacity). Minor modifications (those that do not meet the definition of "significant") are usually requested by submitting a letter with amended plans.

** This application is required if the applicant intends to manage different waste (types or characteristics), operate the facility differently, and/or if significant modifications are proposed. A streamlined application for simple permit transfers (name change or ownership change only) is provided on the Bureau of Waste Management web site.

IV. Facility type (check all that apply):

(For new permits identify the *proposed* facility type(s). For modifications or transfers identify the *existing* facility type(s).)

Municipal solid waste landfill

Subtitle D

Small arid

Industrial landfill

Asbestos monofill

Waste tire monofill

Other (list types of waste): _____

Construction & demolition landfill

V. Modifications proposed (if existing facility; check all that apply):

Increase property area

Increase disposal capacity

Add new type of disposal unit

Municipal solid waste landfill

Subtitle D

Small arid

Industrial landfill

Asbestos monofill

Waste tire monofill

Other (list types of waste): _____

Construction & demolition landfill

Add processing unit (submit separate processing facility permit application form for each type)

Composting

Household hazardous waste

Incinerator

Land farm

Transfer station

Other: _____

Other modifications (explain): _____

Application for Solid Waste Landfill Permit

VI. Items to submit with this application (check each item or indicate "NA" for not applicable):

"†" indicates a form is available on the Bureau of Waste Management web site.

For permit modifications (or transfers using this form), only submit items that must be updated. Items submitted in the past that are still effective, correct, applicable, and acceptable do not have to be resubmitted.

___ Business Concern Disclosure Statement (BCDS)[†] or Public Entity Disclosure Statement (PEDS)[†]

Large companies (100 or more employees) or companies based in other states should use BCDS Form 1. Small companies (less than 100 employees) based in Kansas may use BCDS Form 2.

If the applicant submitted a BCDS to the Bureau of Waste Management within the past three years, then the applicant may either submit: a new, updated BCDS; an addendum to the BCDS to cover the period since the previous BCDS, including a new signed certification; or a signed certification that the previous BCDS is still applicable, that none of the information has changed, and that there is no new information to report.

If the applicant previously submitted a PEDS to the Bureau of Waste Management the Bureau would not normally require a new or updated PEDS.

___ Proof that the applicant owns the property where the landfill will be located if the landfill is:

(from K.S.A. 65-3407(m)(3))

(A) A municipal solid waste landfill; or

(B) a solid waste disposal area that has:

(i) A leachate or gas collection or treatment system;

(ii) waste containment systems or appurtenances with planned maintenance schedules; or

(iii) an environmental monitoring system with planned maintenance schedules or periodic sampling and analysis requirements.

OR

___ Evidence that the applicant leased the property prior to April 1, 1999 if the permit will be for a vertical or lateral expansion contiguous to a permitted solid waste disposal area in operation on July 1, 1999

___ Copy of lease agreement (if the property is leased)

___ Application fee:

___ \$5,000.00 for a new municipal solid waste landfill

___ \$3,000.00 for a new industrial landfill

___ \$1,000.00 for a new C&D landfill disposing more than 10,000 tons annually

___ \$ 500.00 for a new C&D landfill disposing more than 1,000 and less than 10,000 tons annually

___ \$ 250.00 for a new C&D landfill disposing less than 1,000 tons annually

Make check payable to: Kansas Department of Health & Environment.

A city, county, or other political subdivision or state agency is exempt from the application and renewal fees.

Application fees are not normally assessed for permit modifications and transfers unless the application constitutes a new permit (e.g., adding a municipal solid waste landfill at an existing C&D landfill).

___ Waste characterization

Required for industrial landfills except asbestos monofills, waste tire monofills, and other predetermined inert waste.

Submit Material Safety Data Sheets (MSDS) if available, and/or analysis of chemical constituents.

Application for Solid Waste Landfill Permit

___ Leaching tests

Required for industrial landfills when the waste characterization identifies constituents that pose a risk to groundwater quality.

Submit leaching test results using an EPA or ASTM method that most closely simulates the landfill environment.

___ Hydrogeologic investigation (see K.A.R. 28-29-104(b))

Required for all municipal solid waste landfills, and required for industrial landfills used for disposal of non-inert waste.

Hydrogeologic reports may be submitted prior to submission of this application form.

___ Request for Location Demonstration Information Regarding Distance from the Nearest Intake Point of a Public Surface Water Supply System[†]

___ Location demonstrations (see K.A.R. 28-29-23(d), 102, 302, and Policy 02-02)

___ Agency notifications and requests for comments

___ Kansas Biological Survey

___ Kansas Corporation Commission

___ Kansas Department of Agriculture - Division of Water Resources

___ Kansas Department of Wildlife and Parks

___ Kansas Geological Survey

___ Kansas State Conservation Commission

___ Kansas State Historical Society

___ Kansas Water Office

___ U.S. Department of the Army - Corps of Engineers

___ Other _____

Input from other agencies may be required.

___ Map and description of abutting properties including location and land use, names and mailing addresses of property owners. If the proposed site is adjacent to a public road, include property across the road.

___ Design drawings and calculations (see K.A.R. 28-29-6, 23, 103, 104, 304, 325)

___ Groundwater monitoring plans and reports (see K.A.R. 28-29-111 through 113)

Required for all municipal solid waste landfills, and required for industrial landfills used for disposal of non-inert waste.

Groundwater monitoring plans and reports may be submitted separate from this application form.

___ Operations plan (see K.A.R. 28-29-23, 108, 308, 325)

___ Closure and post-closure plans (see K.A.R. 28-29-12, 121, 304, 321, 325)

___ Closure, post-closure, and estimated life worksheets[†]

Application for Solid Waste Landfill Permit

Closure cost estimate worksheets are required for all applications.

Post-closure cost estimate worksheets are required for all new permits, and for significant modifications (or transfers using this form) when the facility includes groundwater monitoring and/or gas monitoring.

Estimated life worksheets are required for all applications involving municipal solid waste landfills.

____ Construction quality assurance plan (see K.A.R. 28-29-12, 121, 321, 325, and Policy 00-04)

CQA plans must address construction of waste containment structures (liner/bottom and sides of disposal area, final cover) and permanent controls (storm water control structures, leachate collection systems). CQA plans should specify: responsible parties; types and frequencies of tests and observations; pass/fail criteria; methodology for addressing problems; and CQA report contents (summary of construction activities, representative photographs, field notes, test results, as-built drawings, and P.E. certification that the construction was in accordance with the approved plans (or describe any deviations)). CQA activities should generally conform to U.S. EPA's *Technical Guidance Document: Quality Assurance and Quality Control for Waste Containment Facilities* (EPA/600/R-93/182). CQA plans must be signed and sealed by a Professional Engineer licensed in Kansas.

____ Financial assurance[†] (see K.A.R. 28-29-2101 through 2113)

____ Liability insurance certificate (see K.A.R. 28-29-2201)

____ Restrictive covenant[†] (see K.A.R. 28-29-20)

Submit a draft restrictive covenant for Bureau of Waste Management approval prior to filing it with the Register of Deeds.

____ Notices of intent for storm water discharge (see <www.kdhe.state.ks.us/stormwater>)

Other items may be required if necessary to properly evaluate the application and satisfy state statutes, regulations, policies, and standards. Bureau of Waste Management staff will identify any additional requirements during the review process.

VII. Other facility information:

A. Land characteristics (general description)

B. Estimate existing site acreage devoted to the following uses:

Heavily wooded _____
Light brush _____
Grasses or pasture _____
Cultivated _____
Cleared or developed _____

C. Estimated acreage to be cleared _____

D. Proposed method of clearing _____

Application for Solid Waste Landfill Permit

E. Onsite soil classification

_____ % Sand
_____ % Silt
_____ % Clay
_____ % Other _____

F. If sufficient cover material is not available at the site, where will it be obtained?

G. Existing/proposed land use within a one-mile radius (attach land use map if available).

	South	West	North	East
Residential	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Light industrial	_____	_____	_____	_____
Heavy industrial	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Mixed	_____	_____	_____	_____

Note "E" for existing and "P for proposed.

H. Are there any wells within a one-mile radius? Yes _____ No _____

If "Yes" list types and legal descriptions _____

I. Access roads serving site

City _____ State _____
Township _____ Interstate _____
County _____ Other (explain) _____

J. Types of road surface serving the site (indicate whether on or off site)

Concrete _____ Gravel _____
Asphalt _____ Crushed stone _____
Seal coat _____ Dirt _____
Soil cement _____ Other _____

K. Service Areas

Disposal site to serve:
City _____ Township _____ County _____ Region _____ Business _____

L. Will site be open to the general public? Yes _____ No _____

Application for Solid Waste Landfill Permit

M. Population data:

Population served by facility: Now _____ Next 10 Years _____
 Total area population: Now _____ Next 10 years _____

N. Distance to center of service area

Average haul distance (miles one way) _____

Characteristics of areas adjacent to major haul routes within one-half mile of the site
 (residential, commercial, schools, agricultural, etc.)

O. Utilities (indicate whether on-site or nearby)

Water source (example: water main, bottled water, well) _____

Electricity _____

Telephone _____

Sewer system (example: sanitary, lagoon, septic, privies) _____

P. Hours of operation

Days	MON	TUE	WED	THU	FRI	SAT	SUN
Hours							

Q. Restrictions

Types of solid waste accepted:

____ Residential

____ Commercial

____ Agricultural

____ Industrial

____ Construction/demolition

____ Other _____

Types of solid waste not accepted (in disposal area):

____ Putrescible waste

____ Construction/demolition waste

____ Appliances

____ Electronics

____ Asbestos

____ Treated wood

____ Other (specify) _____

____ Junked automobiles

____ Dead animals

____ Street sweepings

____ Tires

____ Sewage sludge

____ Medical services waste

R. Employees and equipment

Number of employees on site (average daily) _____

Equipment on site (normal operations) _____

Application for Solid Waste Landfill Permit

S. Fire protection available (specify sources)

Water _____
 Firebreak _____
 Municipal fire department _____

T. Tipping fees, other fees

(Optional) List the anticipated tipping fees and other fees (e.g., surcharge for unacceptable waste). These fees are subject to change without notice, at the permittee's discretion. _____

U. Estimated disposal rates

Parameters	Daily			Annually		
	MSW	Ind.	C&D	MSW	Ind.	C&D
Number of loads						
Types of Waste						
Total tons						
Total cubic yards						

V. Proposed post-closure site use(s)

- | | |
|---|---|
| <input type="checkbox"/> Wildlife habitat | <input type="checkbox"/> Parking |
| <input type="checkbox"/> Recreational | <input type="checkbox"/> Waste management/recycling |
| <input type="checkbox"/> Pasture | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Storage | <input type="checkbox"/> Other |

Describe proposed post-closure use(s): _____

VIII. Notes:

1. Statutes and regulations, policies, technical guidance documents, forms, and other information are available on the Bureau of Waste Management web site <www.kdhe.state.ks.us/waste>.
2. Call the Bureau of Waste Management at (785) 296-1600 and ask to speak with solid waste permitting staff if you have any questions about landfill requirements.
3. Submit three sets of the completed application form and supporting documents to: Kansas Department of Health and Environment, Bureau of Waste Management, 1000 SW Jackson, Suite 320, Topeka, KS 66612-1366.
4. The following steps occur after an application is received by the Bureau of Waste Management:
 - (a) Preliminary evaluation to determine compliance with statutory requirements in K.S.A. 65-3407(c), (d), and (m).
 - (b) Completeness review in accordance with BWM Policy 04-02.
 - (c) Public meeting per BWM Policy 04-02.
 - (d) Technical review to determine compliance with all statutes, regulations, policies, and standards.

Application for Solid Waste Landfill Permit

- (e) Public hearing per K.A.R. 28-29-6a.
- (f) Final decision and processing.

- 5. When a facility receives a permit and begins accepting solid waste for disposal, a \$1.00/ton tonnage fee must be paid to the Kansas Department of Health and Environment. Refer to K.S.A. 65-3415b for rules and exceptions.
- 6. Active facilities must pay an annual permit renewal fee in accordance with K.A.R. 28-29-84. A city, county, or other political subdivision or state agency is exempt from the application and renewal fees.

IX. Applicant's Certification:

I hereby certify that the information in this application and in the supporting documents is true and correct to the best of my knowledge.

Signature of Applicant

Name (Print or Type)

Date

Title

Organization

X. Local Government Certifications:

See next page.

LOCAL GOVERNMENT CERTIFICATIONS

Applicant's Name _____
 Facility Name _____
 Facility Location _____
 Application Type (new permit, modification, or transfer) _____

As specified in K.S.A. 65-3407 "Permits to construct, alter or operate solid waste processing facilities and solid waste disposal areas", the secretary shall require the following information as part of this application:

Solid Waste Management Plan Consistency

(m)(1) Certification by the board of county commissioners or the mayor of a designated city responsible for the development and adoption of the solid waste management plan for the location where the processing facility or disposal area is or will be located that the processing facility or disposal area is consistent with the plan. This certification shall not apply to a solid waste disposal area for disposal of only solid waste produced on site from manufacturing and industrial processes or from on-site construction or demolition activities.

I certify that, to the best of my knowledge, the facility described in this application is consistent with the Solid Waste Management Plan.

 Name (Print or Type) Signature

 Title Date

 County or City Street Address State, Zip Code

Zoning or Land Use Consistency

(m)(2) If the location is zoned, certification by the local planning and zoning authority that the processing facility or disposal area is consistent with local land use restrictions or, if the location is not zoned, certification from the board of county commissioners that the processing facility or disposal area is compatible with surrounding land use.

I certify that, to the best of my knowledge, the facility described in this application is consistent with (check one):
 local land use restrictions/zoning or surrounding land use.

 Name (Print or Type) Signature

 Title Date

 County or City Street Address State, Zip Code

If a special/conditional use permit is required, please attach a copy to this application.

Cherokee County Board of County Commissioners

Public Attendance Log: March 16, 2015

Printed Name	Phone Number	Address	Company or Organization
JACK L. WILSON	620-795-2734	2014 W 4 th Oswego	Sherman City, OR
Jim Tunnell	620-848-9852	4236 SE 51ST DR Galena	
Jim Triplett	620-235-9466	1034 E 520th Ave. Pittsburg	GLWAF, NBAC
Jack Pava	620 848-7948	49130 SE Blackwood Ln	Ret.
Jennifer Pugh	4174993739	1415 E Front St Galena, KS	REG
Otto Martin	620-848-3189	6160 SE 74 th Terr Riverton KS	
Jerry Messer	674-1550		
Susan Drennan	620-389-2347	Galena 9255 S. E. Wyandotte Rd	
Neal Anderson	620-389-2534	2766 SE 50 th , Columbus, KS	
GREGORY C. WALKER	417-434-4934	6008 SE 74TH TERR, RIVERTON	
Bryant Burnett	417-434-7639	PO Box 81 Galena KS	Citizen
Michael Robinson	620-249-7572	420 E 690th Ave Girard, KS	RES
Jim BURTON	620-762-0168	300 E MAPLE	city of Columbus
Scott Donaldson	620-762-1811	7421 SE Eagle Ln	Riverton, KS

Cherokee County Board of County Commissioners

Public Attendance Log: March 16, 2015

Printed Name	Phone Number	Address	Company or Organization
Eanney Donaldson	6202491523	2191 SE 66 th Riverton	
Fred Billingsley	417-434-1900	116 Hillcrest Galena	
Martene Clark	620-762-1281	7457 SE Messers Rd Galena	
Donna Gibson	620-848-3400	6931 SE Night Hawk Ln	
James Johnston	620 848 3170	P.O. Box 118 Riverton	
Jack Price	620-848-3483	6930 SE Blackbird Ln Riverton	
Myra Fern		1802 MAIN GALENA	
Richard Swain Jr		7523 SE Eagle Ln. Riverton KS	
Marilyn Swain Mason	620-848-3085	7523 SE Eagle Riverton KS	
Tawsha Ritz	620-231-8930	409 E. 10 th Pittsburg KS	SEK Recycling
Richard Johnson	620-848 3552	6867 SE 72 nd Terr.	
Helen Johnson	" " "	" " "	
Krista Perez	620 389 2278	822 SE Hwy 469 Crestline KS	

Cherokee County Board of County Commissioners

Public Attendance Log: March 16, 2015

Printed Name	Phone Number	Address	Company or Organization
<u>Laura Nichols</u>	<u>417-439-2747</u>	<u>1521 Millwood Ln Galena</u>	
<u>SANDRA Freund</u>	<u>620 389 2567</u>	<u>8660 SE Messer Rd Galena</u>	
<u>Dale Oglesby</u>	<u>620-783-5288</u>	<u>100 N. Schomerken</u>	<u>City of Galena</u>
<u>Pam Klay</u>	<u>#175291007</u>	<u>7545 SE Eagle Ln Riverton</u>	
<u>John Lloyd Lloyd</u>	<u>417 529 9067</u>	<u>7545 SE Eagle Ln Riverton</u>	
<u>Connie B. Shaw</u>	<u>620-848-3846</u>	<u>6336 SE 60th ST Riverton, KS</u>	
<u>Richard Mallatt Jr</u>	<u>" " "</u>	<u>" " " "</u>	
<u>Randy French</u>	<u>620-235-3880</u>	<u>4786 SE 67th DR Galena, KS 66739</u>	
<u>Margaret Bailey</u>	<u>620-848-9930</u>	<u>7190 SE Lostine, Galena, KS 66739</u>	
<u>JOE HARRARD</u>	<u>620-202-2446</u>	<u>6222 SE 74TH TERRACE, RIVERTON</u>	
<u>Jane Botloff</u>	<u>620-389-2556</u>	<u>2045 SE Hwy 69 A</u>	
<u>Janet Nixon</u>	<u>620-389-2566</u>	<u>8027 SE Messer Road</u>	