

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
October 26, 2015**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:30 p.m. on October 26, 2015. Those in attendance were Thomas Terwall; Michael Serpe; Wayne Koessl; Jim Bandura; and Judy Juliana. Donald Hackbarth, John Braig, Deb Skarda (Alternate #2) and Bill Stoebig (Alternate #1) were excused. Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE SEPTEMBER 28, 2015 PLAN COMMISSION MEETING.**

Judy Juliana:

Move to approve.

Jim Bandura:

Second.

Tom Terwall:

MOVED BY JUDY JULIANA AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF THE SEPTEMBER 28, 2015 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE**
- 5. CITIZEN COMMENTS.**

Tom Terwall:

Since all three items on the agenda for this evening are public hearings, we would ask if you have any comments on those three items that you wait until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you want to raise an issue that's not on the agenda or ask a question now would be your opportunity. Step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

6. NEW BUSINESS

- A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Brandon Jeffries, on behalf of Wisconsin Electric Power Company for approval to install a chemical feed system to supply a mercury emission control chemical to the Pleasant Prairie Power Plant Wet Flue Gas Desulfurization (FGD) facility located at 8000 95th Street. The chemical is used to control mercury emissions from the Pleasant Prairie Power Plant stack in order to comply with the Environmental Protection Agency's (EPA) Mercury and Air Toxic Standards (MATS) Rule.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, the first item, Item A, is a public hearing in consideration of a Conditional Use Permit including Site and Operational Plans for the request of Brandon Jeffries, on behalf of Wisconsin Electric Power Company for approval to install a chemical feed system to supply a mercury emission control chemical to the Pleasant Prairie Power Plant Wet Flue Gas Desulfurization or FGD facility located at 8000 95th Street. The chemical is used to control mercury emissions from the Pleasant Prairie Power Plant stack in order to comply with the Environmental Protection Agency's Mercury and Air Toxic Standards or MATS Rule.

As a part of the public hearing comments and as part of the public hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and will be described below for the public hearing.

Findings of Fact

1. The petitioner is requesting approval of a Conditional Use Permit, including Site and Operational Plans to install a chemical feed system to supply a mercury emission control chemical to the Pleasant Prairie Power Plant Wet Flue Gas Desulfurization facility located at 8000 95th Street. The chemical is used to control mercury emissions from the Pleasant Prairie Power Plant stack in order to comply with the EPA's Mercury and Air Toxic Standards or MATS Rule. Exhibit 1 has the application and the related materials.
2. The subject property is located at 8000 95th Street in a part of U.S. Public Land Survey Section 16, Township 1 North, Range 22 East in the Village of Pleasant Prairie and is further identified as Tax Parcel Number 92-4-122-164-0011.
3. The current zoning of the property is M-4, Power Generating District, and the operation and maintenance of an electrical generation power plant is allowed within the M-4

District with a Conditional Use Permit for each project. In addition, portions of the property are zoned C-1, Lowland Resource Conservancy District and FPO, Floodplain Overlay District.

4. Pursuant to the application as shown in Exhibit 1:
 - a. The flue gas desulfurization facility is a major piece of pollution control equipment for the Pleasant Prairie Power Plant. It receives the flue gas from the boiler after NO_x and particulate matter have been reduced or removed, and it removes the sulfur oxides from the flue gas prior to the discharge to the atmosphere. The wet system uses an absorber vessel to circulate limestone slurry which reacts with sulfur compounds in the flue gas to form a synthetic gypsum material. In addition, mercury from the flue gas that is in an oxidized state will be trapped by the liquid inside the absorber vessels. This mercury, if it remains in its oxidized state, will pass through the FGD wastewater treatment system and be processed into a sludge material.
 - b. The new chemical feed system is proposed to be located immediately to the southwest of the base of the power plant's concrete stack. The location of the stack or chimney is indicated on the site map located in part of Appendix A of Exhibit 1. Appendices B and C of Exhibit 1 include the layout of the area around the concrete stack and the proposed drawing for the new chemical feed system. Additionally, a roof structure will be placed above the tank to protect it from falling ice in the winter. The new chemical feed system will supply a chemical to be injected into the absorber vessels with the intended purpose of keeping the captured mercury in an oxidized state so that it is not re-emitted into the air after leaving the stack. There will be two chemical feed pump skids placed inside an enclosure outside the concrete stack wall that will meter the chemical into the FGD system. The injection of this chemical is necessary for compliance with the US EPA's MATS rule governing mercury emissions from the power plant stack.
 - c. Appendix C of Exhibit 1 provides detailed drawings of the tank and feed pump system that is proposed to be installed southwest of the concrete stack structure of the power plant.

Tank Structure: The tank itself will be constructed from fiberglass reinforced plastic similar to other tanks installed at the plant site. The outer surface of the tank will have a grey gel coat with a UV inhibitor to protect the tank from sun exposure. The tank will be of a double wall construction to provide chemical spill protection, and will be equipped with leak detection monitors to ensure that chemical is not released unexpectedly. The tank will also be equipped with a ladder for access to the top components and ports and will have an OSHA compliant safety rail to prevent falls from the top of the tank.

Tank Instrumentation: The tank will be heated to prevent freezing of the chemical during winter months. The tank will also be equipped with level detection instrumentation to determine the amount of chemical in the tank, and temperature detection equipment to monitor chemical temperature and to help control the heaters that are installed with the tank.

Chemical Metering Pump Skids: For each of the power plant's generating units, there will be one metering pump skid which will control the feed of the chemical into the absorber vessels. These pump skids will each consist of two motor driven metering pumps to meter in approximately 2.5 to 5 gallons per hour of the control chemical. Each skid will also be equipped with an air driven pump capable of dosing larger quantities of the chemical into the absorber vessels. This pump will be used for unit startup dosing and emergency dosing should both of the metering pumps be taken out of service. The pump skids will be housed in a heated enclosure outside the concrete stack and will be inside a spill containment berm for chemical spill prevention.

- d. Purpose and Need for this Project: Due to the limits imposed on coal fired power plants by the EPA's MATS rules, the power plant must make additional efforts to reduce the amount of mercury that is emitted from the stacks. Through testing it has been determined that the chemical additive being proposed for the permanent installation helps to keep the mercury captured. The objective of the project is to install a safe and reliable permanent source for the storage and supply of the chemical additive in order to maintain compliance with the EPA's MATS rules and the power plant's Title V air operating permit as issued by the Wisconsin Department of Natural Resources.
 - e. No additional environmental permits are anticipated for the installation of the proposed chemical feed system. The tank will be added to the power plant's Spill Prevention, Control, and Countermeasure Plan, to the power plants Title V Air Permit as an insignificant source and to the Kenosha County Local Emergency Planning Committee Hazardous Materials Off-Site Facility Plan.
5. Notices were sent to adjacent property owners via regular mail on October 8, 2015 and notices were published in the *Kenosha News* on October 12 and 19, 2015.
 6. The petitioner was emailed a copy of this staff report on October 23, 2015.
 7. According to the Village's Zoning Ordinance the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials, as well as any information presented this evening, that the project as planned, will not violate the intent and purpose of all Village Ordinances and it meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any Site and Operational Plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all Village ordinance requirements and all other applicable federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer, water and stormwater management service, noise, streets, highways and fire protection.

So with that I'd like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak?

Jean Werbie-Harris:

And there are representatives here, so we'd like to have them come up to the microphone, introduce themselves, and answer any questions.

Brandon Jeffries:

Good evening. My name is Brandon Jeffries. I'm available [inaudible] power plant to answer any questions that you have.

Tom Terwall:

Just for the record give us your address please.

Brandon Jeffries:

8000 95th Street.

Jean Werbie-Harris:

Brandon, when would this project start, and when do you think it will be completed out there.

Brandon Jeffries:

We are looking to start sometime in the middle of November. And we estimate completion will be by the end of summer.

Michael Serpe:

A couple questions if I may. A few years ago we approved an aqueous ammonia for the summertime use as I understand, not for wintertime, that was going to control some of the mercury. Is that still in effect.

Brandon Jeffries:

Aqueous ammonia is used in the plant to control NOx. That would be for any [inaudible]. There was a project [inaudible].

Michael Serpe:

Now, the standards that we're doing this for are today's standards, not the new proposed by the EPA.

Brandon Jeffries:

Yes, they are for today's standards [inaudible].

Michael Serpe:

And if the new standards come into play are you guys taking that into consideration with what you're doing today?

Brandon Jeffries:

[Inaudible]

Michael Serpe:

Okay, I was referring to the latest EPA recommendation by 2025 or something like that of the more stringent reduction by 34 percent or something like that.

Brandon Jeffries:

[Inaudible]

Michael Serpe:

Nothing to do with that. Okay, thanks.

Tom Terwall:

Thank you. Anybody else wish to speak? Anybody else? I'll open it up to questions from Commissioners and staff.

Wayne Koessl:

I have none.

Jim Bandura:

What's the chemical used?

Brandon Jeffries:

The chemical used is a [inaudible] 8034 plus [inaudible].

Jim Bandura:

And it's a liquid state?

Brandon Jeffries:

Yes.

Jim Bandura:

And so you have controls in place should by chance a leak comes about?

Brandon Jeffries:

Yes, the tank is equipped with a detection system that will detect [inaudible] operators that walk down the area at least twice a day [inaudible].

Tom Terwall:

What's the capacity of the tank?

Brandon Jeffries:

I believe the tank is a 15,000 gallon.

Tom Terwall:

And how is it delivered, by tanker?

Brandon Jeffries:

By tanker truck.

Tom Terwall:

What's the frequency of that?

Brandon Jeffries:

We anticipate deliveries every couple of months.

Jim Bandura:

And when they deliver it there's things in place to keep from accidents happening, am I correct?

Brandon Jeffries:

Yes, there will be [inaudible] truck driver and at least [inaudible].

Wayne Koessl:

Mr. Chairman, if there aren't anymore questions I would move we approve the Conditional Use Permit and the Site and Operational Plan subject to the attached comments and conditions of the Village staff being a part of October 26, 2015.

Michael Serpe:

Second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY MICHAEL SERPE TO APPROVE THE CONDITIONAL USE PERMIT AND THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS to consider the request of Jay Maudlin, on behalf of Wisconsin Electric Power Company to add multi-media filtration or sand filters to the process in order to aid in filtration and removal of total suspended solids at the Pleasant Prairie Power Plant located at 8000 95th Street.

Jean Werbie-Harris:

Item B is a public hearing and consideration of a Conditional Use Permit including Site and Operational Plans to consider the request of Jay Maudlin, on behalf of Wisconsin Electric Power Company to add multi-media filtration or sand filters to the process in order to aid in filtration and removal of total suspended solids at the Pleasant Prairie Power Plant located at 8000 95th Street.

This is a matter for public hearing. And as part of the public hearing comments and the public hearing record the staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request. And I'll be presenting them below, and they're in your staff packets.

Findings of Fact

1. The petitioner is requesting approval of a Conditional Use Permit including Site and Operational Plans to add multi-media filtration or sand filters to the process in order to aid in filtration and removal of total suspended solids at the Pleasant Prairie Power Plant. Exhibit 1 has the application and related materials related to this request.
2. The subject property is located at 8000 95th Street in a part of U.S. Public Land Survey Section 16, Township 1 North, Range 22 East in the Village of Pleasant Prairie and is further identified as Tax Parcel Number 92-4-122-164-0011.

3. The current zoning of the property is M-4, Power Generating District and the operation and maintenance of an electrical generation power plant is allowed within the M-4 District with a Conditional Use Permit for each project. In addition, portions of the property are zoned C-1, Lowland Resource Conservancy District and FPO, Floodplain Overlay District.
4. Pursuant to the application as set forth in Exhibit 1:
 - a. The Pleasant Prairie Power Plant WPDES wastewater treatment system can process wastewater from three basins including the metal cleaning, low-volume and coal pile basins. The facility processes wastewater through a state of the art ultra-filtration system whereby a DOW membrane technology is used to filter wastewater to an acceptable discharge limit. Alternatively, for only the low-volume basin, the plant is permitted to conduct limited treatment in the basin, to check to ensure water meets acceptable permit limits and to discharge water. The multi-media filtration system is being designed to support both of these processes.
 - b. The multi-media filtration system will be located in a 34 foot by 60 foot steel building directly east of the existing wastewater treatment building. Its placement is approximately one mile due north of the east guard shack entrance. Since the building is at the northern edge of the property it is not visible from 95th Street. The building will be the same color and metal sided material as the wastewater treatment building. See Exhibit 2. Actually this past week they have submitted some revised building sizes to us, and this size is just going to increase slightly to 40 feet by 65 feet to allow for safe maintenance around the sand filters.
 - c. The multi-media filtration system is a very simple process. Water from the low-volume basin will be pumped directly through three sand filters to remove the total suspended solids. Electronic equipment called turbidity meters will monitor the suspended solids. If water exceeds control limits from the turbidity meter, the water will be rejected back to the low-volume basin. The system will consist of four sand filters, one filter will be a redundant; two booster pump backwash tank chemical feed skids and an air scour cleaning system.
 - d. Details on how the filtration equipment will operate will include:

Low Volume Water Basin Diversion and the Booster Pumping Systems: The existing diversion pumps located in the common low volume I coal pile basin pump house #2 will be used to pump low volume water basin wastewater to the new multi-media filtration system, whenever the turbidity of the low volume water basin wastewater water is greater than the permit limits. The multi-media filtration system filtrate effluent will be pumped using a new filtrate storage tank and a set of filtrate booster pumps into an existing blowdown line that is routed to Lake Michigan.

Coagulant Dosing System: An approved coagulant chemical will be injected into the low volume water basin wastewater prior to the multi-media filtration system. This coagulant is designed to increase the filter's capability to retain the

suspended particles within the filter media. There will be a single coagulant dosing system consisting of two chemical metering pumps each capable of delivering up to 2.0 gallons per hour. The chemical dose rate can be adjusted manually as well as automatically using the multi-media filtration control system.

Multi-Media Filtration Vessels: Each of the four multi-media filtration vessels will be capable of treating 367 gpm of low volume water basin wastewater. Three of the four multi-media filtration vessels will normally be operated at a time for a total flow rate of 1,100 gpm. Each vessel will contain a layer of anthracite 18 inches, a layer of filter sand 12 inches and a layer of garnet 12 inches in order to capture the various particle sizes of suspended solids that are present in the low volume water basin wastewater. The suspended solid concentration leaving the multi-media filtration vessels will be much lower than the established permit allowable levels.

Backwash System: After the differential pressure across a particular multi-media vessel attains a certain set limit, the filter is taken out of service to be backwashed using an air scour system or air blowers and a separate set of high rate backwash pumps. Filtered water that is always stored in the filtrate storage tank will be used to backwash the filter beds. After the backwash step, the clean filter beds are brought back to normal service filtering low volume water basin wastewater. The backwash water stream leaving each of the filters will be directed back to the low volume waste basin where it originated.

- e. **Purpose and Need for Project:** Some limited treatment of wastewater in the low volume basin is permitted by the Wisconsin DNR to use polymer to settle solids in the basin. When total suspended solids are elevated and the plant is unable to discharge water, polymer is used to settle the particulate. Batch treatment of the basin in this manner can be time consuming and typically takes several days. Due to the inherent delay, the basin is at risk of becoming overfilled. Many variables including rain, natural seasonal temperature changes and process changes can affect the basin's level. This project is being constructed to add flexibility to manage the low-volume basin level. Multi-media filtration or sand filters offers the ability to immediately process the basin no matter what weather conditions are present.
- 5. Notices were sent to adjacent property owners via regular mail on October 8, 2015, and notices were published in the *Kenosha News* on October 12 and 19, 2015.
- 6. The petitioner was emailed a copy of this staff report on October 23, 2015.
- 7. According to the Village's General Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials as well as information presented this evening that the project as planned will not violate the intent and purpose of all Village Ordinance and it meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve a Site and Operational Plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and all other

federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection.

So with that I'd like to continue the public hearing and introduce representatives from the Power Plant to answer any questions that you may have for the project.

Jay Maudlin:

Good evening, Jay Maudlin with We Energies, and address is 8000 95th Street.

Tom Terwall:

Anything you wish to add?

Jay Maudlin:

No, sir.

Tom Terwall:

You're available to answer questions, is that correct?

Jay Maudlin:

Absolutely.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak? Anybody wishing to speak? Seeing none?

Jean Werbie-Harris:

I have a question. The first question is can you talk about the timing of your project, Jay?

Jay Maudlin:

Yes, the project would start in November and be complete approximately June 1.

Tom Terwall:

Anything else, Jean?

Jean Werbie-Harris:

No.

Jim Bandura:

Quick question. The media, the filtering system, the sand, the garnet and everything, how often do you see that needs to be changed?

Jay Maudlin:

Good question. We think that may be on the order of one year to perhaps up to three years. It depends on how aggressively we run the system.

Tom Terwall:

How do you get rid of it if you change it?

Jay Maudlin:

That would be vacuumed out by a vacuum truck. And it would be checked before it's disposed. But after we check, we run analysis on that material, we anticipate that that would be land filled.

Tom Terwall:

Okay, anything further?

Wayne Koessl:

I have none.

Michael Serpe:

I'd move approval of the Conditional Use and the Site and Operational.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY JIM BANDURA TO APPROVE THE CONDITIONAL USE AND SITE AND OPERATIONAL PLANS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS to consider the request of William Tucknott for Rust-Oleum Corporation for the installation of a new propellant storage tank at their facility located at 8105 95th Street in LakeView Corporate Park.

Jean Werbie-Harris:

Item C is a public hearing and consideration of a Conditional Use Permit including Site and Operational Plans to consider the request of William Tucknott for Rust-Oleum Corporation for the installation of a new propellant storage tank at their facility located at 8105 95th Street in LakeView Corporate Park.

Again, this is a matter for public hearing, and I'll be reading the public hearing comments into the record. And as a part of the hearing record the staff has also compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and they are presented and described in our staff comments and before you.

Findings of Fact

1. The petitioner is requesting a Conditional Use Permit including Site and Operational Plans for the installation of a new propellant storage tank on the west side of the Rust-Oleum facility located at 8105 95th Street. This information is presented as Exhibit 1. If Peggy can use the laser she can show you specifically. It might be a little hard to read with that red lettering.
2. The property is identified as CSM #1203 located in a part of U.S. Public Land Survey Section 21, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-212-0355.
3. Pursuant to the application and as provided as Exhibit 1:
 - a. Rust-Oleum Corporation operates a paint manufacturing facility located in the Lakeview Corporate Industrial Park at 8105 95th Street. The facility produces a variety of both water-based and solvent-based coatings. The plant is made up of a few main areas. The bulk raw material storage tank farm is where liquid solvents and resins are stored. Powder raw materials such as color pigments are stored in the receiving warehouse portion of the plant. These raw materials are then mixed together in tanks of varying sizes to make the finished paint product. The finished product is then filled and packaged on the plant's filling lines. The product can be filled into half-pint cans, quart cans, 1 gallon cans, 5 gallon pails or aerosol spray cans.
 - b. This project involves the installation of a new propellant storage tank, 30,000 gallons. The propellant is filled into aerosol spray cans on all four of the aerosol packaging lines inside the building. The propellant to be stored in the new tank is identical to the propellant currently stored in the two existing storage tanks. However, the two existing tanks currently provide less than one day of safety stock. Adding this tank provides a buffer of available propellant.

- c. To keep the existing tanks full there are on average two tank-wagon deliveries per day. Any problem like bad weather that delays a tank-wagon delivery has the potential to shut down production on all four aerosol filling lines.
 - d. The new storage tank will be located next to the two existing storage tanks and be contained within a locked fence enclosure. To make room for the new tank, two small unused tanks will be removed. Peggy is identifying those for you on the slide. The alternate fuel system will also be removed to make room for the tank. A new bulkhead for tank-wagon unloading to the new tank will be installed at the northwest corner of the storage tank area. The existing unloading bulkhead for the two existing tanks will be relocated to this same area. This will allow easier access for tank-wagon trucks. New crash protection bollards will be installed to protect the bulkhead and the south side of the fence enclosure.
 - e. The new tank will be enclosed inside a locked fence enclosure. Also, cameras are used to monitor the area. The propellant pump connected to the tank will be tied into the existing fire alarm system to automatically shut down in case of an emergency.
 - f. As there will be no significant change in our operations, the vehicular traffic of any type to and from the facility will remain unchanged.
4. The current zoning of the property is M-2, General Manufacturing District and High-Hazard Group H Uses within the District pursuant to Chapter 3 of the 2006 International Commercial Code are allowed within the District on this property with the approval of a Conditional Use Permit.
 5. An on-site inspection was conducted by Village staff on September 22, 2015. This information is provided as Exhibit 2. Photographs document the existing site conditions and locations for the new tanks.
 6. Previous Conditional Use Permits approved for this property include, and there are several of them:
 - a. Kenosha County Resolution #94 was approved on July 27, 1988 for a Conditional Use Permit to operate the manufacturing, research and development facility for Rust-Oleum Corporation.
 - b. Conditional Use Grant Document #92-009 was approved by the Village on November 11, 1992 for the storage of product on the site.
 - c. Conditional Use Grant Document #95-017 was approved by the Village on November 6, 1995 to construct a 480 sq ft building to be used in the recovery of paint and propellant from returned/rejected aerosol containers.
 - d. Conditional Use Grant Document #96-01 was approved by the Village on April 1, 1996 to construct housing for equipment used to inject propellant into aerosol cans.

- e. Conditional Use Grant Document #03-03 was approved by the Village on February 10, 2003 for the installation of a thermal oxidizer and the relocation of maintenance office, interior.
- f. Conditional Use Grant Document #07-01 was approved by the Village on April 9, 2007 to construct a 3,320 square foot addition for testing new products with proper temperature and humidity controls. In addition, the emergency access roadway was re-routed to accommodate the addition.
- g. Conditional Use Grant Document #12-07 was approved by the Village on October 8, 2012 to install a new aerosol spray-paint filling equipment that includes the installation of a 192 square foot pre-fabricated structure located on a concrete pad outside the rear of the facility that will house the required equipment that adds propellant to the cans.
- h. Conditional Use Grant Document #13-07 was approved on September 9, 2013 to install a new aerosol spray-paint can filling equipment that includes the installation of a 320 square foot pre-fabricated structure that will be located outside on a concrete pad in the rear of the facility that will house the required equipment that adds propellant to the cans.
- i. Conditional Use Grant Document #13-08 was approved on September 9, 2013 to install a new aerosol spray-paint filling equipment which includes the installation of a 192 square foot pre-fabricated structure that will house the required equipment that adds propellant to the cans outside of the rear of the facility.

So they have made a number of changes over the last several years since the original construction at the site.

- 7. Notices were sent to adjacent property owners via regular mail on October 8, 2015, and notices were published in the *Kenosha News* on October 12 and 26, 2015.
- 8. The petitioner was e-mailed a copy of this memo on October 23, 2015.
- 9. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned, will not violate the intent or purpose of the Village Ordinance and it meets the minimum standards for granting of a Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with the satisfaction of any conditions of approval, will comply with the applicable Village ordinance requirements and all other applicable federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, noise, storm water management, streets and highways and fire protection and site conditions.

So with that I'd like to introduce representatives from Rust-Oleum to come to the podium to answer any questions that you may have. And my first question is always going to be what's the timing of the project, Bill?

Bill Tucknott

Hi. Bill Tucknott from Rust-Oleum, 8105 95th Street. And timing of the project we'd be starting in early November and finishing up in mid-December.

Tom Terwall:

Anything else you wanted to add?

Bill Tucknott:

Nope.

Tom Terwall:

Anybody in the audience wishing to speak? Hearing none I'll open it up to comments from Commissioners and staff and I'll begin. What is the propellant?

Bill Tucknott:

It's a mixture of propane and butane.

Tom Terwall:

So it's combustible, is that correct?

Bill Tucknott:

Yes.

Tom Terwall:

Have you ever had any accidents?

Bill Tucknott:

Nothing serious, no.

Jim Bandura:

You are aware of the conditions needed [inaudible] seems that there's a lot of maintenance that needs to be taken care of, correct?

Bill Tucknott:

Correct. Yeah, we did see the conditions and agree with all those.

Tom Terwall:

You don't see any change as a result, but it's just going to be a continuation of an existing process increasing the capacity, is that correct?

Bill Tucknott:

Exactly. It's the same exact propellant as we currently have. It's just giving us more capacity of our existing propellant.

Wayne Koessl:

I really have no questions. I'm just happy to see that the staff and the fire department reviewed it, and that settles my mind. So it's just good business to have a backup system so you don't have to shut down your line. With that, Mr. Chairman, I'll move that we approve the Conditional Use Permit and the Site Plan subject to the conditions and the comments made by staff on October 26, 2015.

Jim Bandura:

I'll second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JIM BANDURA TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

Michael Serpe:

So moved.

Wayne Koessl:

Second.

Tom Terwall:

All in favor?

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

Meeting Adjourned: 7:05 p.m.