



**Agenda
Harper County
Board Of County Commissioners
Harper County Courthouse**

Monday, January 6, 2020 - 9:00 a.m.

A. Call To Order

B. Pledge Of Allegiance

C. Public Comment

Citizens are encouraged to speak to items on the agenda when recognized by the Chairman. Citizen desiring to speak to matters not on the agenda may do so at this time. Comments are limited to five (5) minutes and the Commission will take no action on items not on the agenda. Items introduced under Public Comment may be come agenda items at a later date.

D. Approval Of Minutes

E. Payment Of Vouchers

F. Items Of Business

1. Melinda McCurley - Community Development - 9:15 A.m.

- Work Session
- Community Development Grant Application

2. Senator Larry Alley - 10:00 A.m.

3. Curt Logsdon - Road And Bridge - 11:00 A.m.

- Department Update

4. Matt Booker - Zoning Administrator - 11:15 A.m.

- SU-01-2019 - Special Use Public Hearing

Documents:

[RESOLUTION 2020-0.PDF](#)
[MINUTES 12-17-19 \(2\).PDF](#)
[REVISED SPECIAL USE REPORT.DOC](#)
[BCC SPECIAL USE CHECKLIST.DOCX](#)
[EXHIBITS - SUPPORTIVE MATERIAL.PDF](#)

5. Mike Elliott - Buildings And Grounds - 11:30 A.m.

- Department Update

6. Ami DeLacerda - HR - 11:45 A.m.

- Department Update

G. Correspondence

H. Adjourn

(Published once in The Anthony Republican on January 15, 2020)

RESOLUTION NO. 2020-

A RESOLUTION APPROVING A SPECIAL USE REQUESTED TO MODIFY CERTAIN CONDITIONS OF THE EXISTING SPECIAL USE FOR THE PLUMB THICKET LANDFILL COMMONLY REFERRED TO AS HARPER COUNTY RESOLUTION NO. 2002-04, PURSUANT TO CONDITION 42 WHICH PROVIDES: "SHOULD IT BE DEEMED NECESSARY BY THE APPLICANT TO REQUEST A MODIFICATION OF ANY OF THESE CONDITIONS OR AN ADDITION THERETO, APPLICATION WILL NEED TO BE MADE TO CONSIDER ONLY SUCH MODIFICATION OR ADDITION IN THE SAME MANNER OF NOTIFICATION, HEARING, RECOMMENDATION AND DECISION AS FOR THE ORIGINAL SPECIAL USE CASE. SUCH A MODIFICATION OR ADDITION SHALL NOT CAUSE THE VALIDITY OF AN APPROVED SPECIAL USE TO BE REPEALED NOR CREATE A NEW SPECIAL USE."

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY, KANSAS:

1. **SECTION 1.** That having received a recommendation from the Harper County Planning Commission on Case No. SU-01-19, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of Harper County as originally approved by Resolution No. 2019-13, a special use is hereby approved to modify Condition #17 to allow for the inclusion of a five acre tract within the screening area in the SE corner, along the entrance road, for the express purpose of an education center, a gas energy plant designed to process collected land fill gas and ancillary improvements (e.g. road, landscaping); Condition #28 to modify the annual fee paid to the County from \$150,000, subject to annual Consumer Price Index (CPI) adjustments that is directly proportional to the percentage change in the CPI for such annual period to a set amount of \$175,000, with \$25,000 dedicated to Plumb Thicket Conservation Committee and specifically used for the Environmental Program and End Use initiatives at the landfill.

Legal description:

A tract of land situated in and part of Sections 3 & 4, T 31 S, R 6 W, located in Harper County, Kansas, containing approximately 487.5 acres. Commencing at the NW Corner of Section 4, T31S, R6W, thence N 90E 00' 00" E, 1000.0 feet, along the North Line of Section 4; thence S 0E 00' 00" W, 700.0 feet to the Point of Beginning (P.O.B.). Commencing from P.O.B., thence N 90E 00' 00" E, 5920.0 feet; thence S 0E 00' 00" E, 3580.00 feet; thence S 90E 00' 00" W, 1540.00 feet; thence S 0E 00' 00" E, 1000.0 feet, to the South Line of Section 3, thence S 90E 00' 00" W, 200.00 feet, along South Line of Sections 3 & 4; thence N 0E 00' 00" W, 1000.00 feet; thence S 90E 00' 00" W, 3780.00 feet; thence N 0E 00' 00" W, 400.00 feet; thence S 90E 00' 00" W, 400.00 feet; thence N 0E 00' 00" W, 3180.00 feet, to the point of Beginning (P.O.B.).

General location:

Address: 440 NE 150 RD, Harper, Kansas. From Hwy K-2 and Runnymede North 1 mile on NE 60 Ave. and West 1.5 miles on NE 150 RD.

Such special use is subject to the following conditions:

1. A site plan and screening will need to be approved by the Site Plan Committee before a zoning permit will be approved for the educational center and landfill gas energy plant.

Harper County Planning Board

And Board of Zoning Appeals

Minutes of Meeting October 22, 2019

Agenda #1 Steve Bellesine called the meeting to order at 6:59 p.m. at the Harper Senior Center, Harper, Kansas.

Agenda #2 Roll call of the Planning Commission was taken by Secretary, Jackie Keim. Steve Bellesine, Larry Olivier, Kevin Alexander, Garry Mandevill were present. Recording Secretary, Jackie Keim and Zoning Administrator, Matt Booker were in attendance. (Attendance list on file.)

Agenda #3 Olivier made a motion to approve the agenda. Mandevill seconded it. Motion passed 4-0. (Agenda on file.)

Agenda #4 Alexander made a motion to approve the minutes of October 22, 2019. Mandevill seconded it. Passed 3-0-1. Bellesine abstained from voting. (Minutes on file.)

Agenda #5 Bellesine call for the Public Hearing of Case # SU-01-19 for a request to modify two conditions of the existing Special Use case SU-01-2006 for the Plumb Thicket Landfill approved by Resolution 2002-04. Bellesine read the ground rules for the public hearing. No disqualifications were made and a quorum of four was established. Proper notice for this hearing was made on November 21, 2019 in The Attica Independent and notices were sent to 19 real property owners in the area of notification. No exparte communications were received. Zoning Administrator, Matthew Booker presented background information about the Special Use Case of the Plumb Thicket Landfill and the two conditions proposed to be amended. Ben Tucker, agent for Waste Connections gave a presentation on the proposed Landfill gas facility. They will be using Lynx Renewable Energy. They are asking to place the facility closest to the flare, which would end up in the buffer zone. Future expansion would be available in this area. The gas plant would have a security fence around the perimeter of it. Waste Connections also wants to develop and build an education center, which would be used for community education. They feel that the location of the education center and the renewable energy plant would be beneficial for groups in the community such as The Boy Scouts and schools. The modification of Condition #28 would be to take away the CPI tonnage and set aside \$25,000 for specifically the education center. They would organize a conservation committee of 5-6 members from the County. An idea of a trail system could possibly be developed. No public were present for the hearing. No written communications were received. The seventeen factors and findings were reviewed and discussed. Alexander made a motion to modify Condition Section 17 to allow for the inclusion of a five acre tract within the screening area in the SE corner, along the entrance road, for the express purpose of an education center, a gas energy plant designed to process collected land fill gas and ancillary improvements and to modify Condition Section 28 with the annual fee paid to the County from \$150,000 subject to annual consumer Price Index (CPI) adjustments that is directly proportional to the percentage change in the CPI for such annual period to a set amount of \$175,000, with \$25,000 dedicated to Plumb Thicket conservation Committee and specifically used for the Environmental Program and End Use initiatives at the landfill. Olivier seconded it. Motion passed 4-0.

Agenda #6 Zoning Administrator, Booker gave a report on the permit activity for the County.

Agenda #7 There was no new business.

Agenda #8 Olivier made a motion to adjourn the meeting. Mandevill seconded it. Passed 4-0.

Respectfully submitted:

Approved by the Planning Board:

_____ Date _____

_____ Date _____

Jackie M. Keim
Recording Secretary

Steve D. Bellesine
Chairperson

CC: County Commissioners, Planning Commission Members, Zoning Administrator, County Clerk, Planning Consultant, County Sanitarian, City Clerk Liaison Representatives, County Attorney, Economic Development Coordinator

HARPER COUNTY, KANSAS

Agenda No.

for January 6, 2020

REVISED SPECIAL USE REPORT *

CASE NUMBER: SU-01-19

APPLICANT: Waste Connections of Kansas
AGENT:

REQUEST: To modify two conditions attached to the Special Use case SU-01-06 for the Plumb Thicket Landfill approved by Resolution No. 2002-04

CASE HISTORY: Application is submitted under the provisions described in Condition #42-”Should it be deemed necessary by the Applicant to request a modification of any of these conditions or an addition thereto, application will need to be made to consider only such modification or addition in the same manner of notification, hearing, recommendation and decision as for the original special use case. Such a modification or addition shall not cause the validity of an approved special use to be repealed nor create a new special use.”

APPROX. LOCATION: 440 NE 150 Rd, Harper Kansas

SITE SIZE: 487.5 acres more or less

1. Condition-Section 17: Modify the condition to allow for the inclusion of a five acre tract within the screening area in the SE corner, along the entrance road, for the express purpose of an education center, a gas energy plant designed to process collected land fill gas and ancillary improvements (e.g. road, landscaping).
2. Condition-Section 28: Modify the annual fee paid to the County from \$150,000, subject to annual Consumer Price Index (CPI) adjustments that is directly proportional to the percentage change in the CPI for such annual period to a set amount of \$175,000, with \$25,000 dedicated to Plumb Thicket Conservation Committee and specifically used for the Environmental Program and End Use initiatives at the landfill.

ADJACENT ZONING AND EXISTING LAND USE:

North: Kingman County, A-1 Agricultural District – Agricultural land

South: A-2 Agricultural District – Agricultural land, Fish Farm

East: A-2 Agricultural District – Agricultural land.

West: A-2 Agricultural District – Agricultural land

* **NOTE:** This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

This property has been a waste facility consisting of an office, scales, maintenance shop, vehicle parking, leachate storage, pads for periodic monitoring of the contents of refuse loads, interim educational center and the cells for actual depositing of refuse and covering since 2005.

(See attached aerial photo with drawing.)

FACTORS AND FINDINGS: **

- 1. What are the existing uses and their character and condition on the subject property and the surrounding neighborhood? (See Adjacent Existing Land Use on page 2 of 7.)**

Subject property is and remains a solid waste disposal facility licensed in the State of Kansas. Plumb Thicket is a solid waste disposal facility accepting municipal solid waste, construction and demolition debris, and special waste approved by both the State of

Kansas and Waste Connections. Plumb Thicket, since it's inception in 2005, has operated under the same State regulations and company operating values. The surrounding area is agricultural land and a fish farm to the south.

- 2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the request? (See Adjacent Zoning on page 2 of 7.)**

The subject property has been issued a Special Use permit to allow construction and operation of a sanitary landfill in the A-2 Agricultural District. The surrounding properties are zoned as A-2 Agricultural District, used for farming, exploration and production (oil and gas industry), and pasture land.

- 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?**

The length of time the subject property has remained undeveloped is not a factor in this consideration. The area currently undeveloped by the future landfill gas to energy (LFGTE) facility has remained undeveloped from the site's commencement of operation (2006) to the current date.

**** NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Board in deciding upon its recommendation.

4. Would the request correct an error in the application of these regulations?

The request does not correct any error in the application.

5. Is the request caused by change or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

Yes, conditions related to landfill gas (LFG) have changed. The landfill has reached an age where there is enough landfill gas (LFG) produced to run and operate a beneficial reuse application. Landfill gas has a high energy value and can be used through combustion in several beneficial reuse energy applications.

- 6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?**

Adequate sewage, water, and electrical supply are nearby and available for the LFGTE plant. Applicant has a permit to maintain and operate a septic tank and a leach filter field for the treatment of sewage. Sumner-Cowley Electric Cooperative, Inc. supplies electricity and Rural Water District #5 supplies water. Existing road access to Northeast 150th Rd will remain unchanged.

- 7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights of way, easements, and access control or building setback lines?**

No replatting will be necessary for inclusion of the LFGTE plant into the Special Use and zoning permit. The property was platted in connection with the issuance of the Special Use and zoning permit prior to the commencement of operations.

- 8. Would a screening plan be necessary for existing and/or potential uses of the subject property?**

There is already a screening plan in place for the subject property (the landfill and associated buildings). However, the existing screening plan will be amended to include screening for the LFGTE plant.

- 9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?**

There is no suitable land in the same zoning suitable for the LFGTE plant. Operation of

the plant is made efficient by the proximity to the landfill gas (LFG) control source, which is a candlestick-style flare. Other interior locations in the subject property will be used for future expansion of the active waste area. These area's are within the permitted waste boundary as defined by the Kansas Department of Health and Environment (KDHE) regulations.

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

The uses are needed to provide both employment and royalty opportunities. LFGTE plant employees will have to be hired for everyday plant operations. Also, Harper County will collect a 15% royalty on LFG sales from the LFGTE plant.

11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

Yes, the addition of the LFGTE is suitable with the landfill special use. It was approved as a future use as part of the original approved Special Use. It is a compatible and environmentally responsible activity to the landfill use.- LFGTE is a common installation or addition to landfills.

12. To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

The LFGTE plant will not produce odors, noise, litter, or any other detrimental effect on the surrounding properties. Additional screening will provide a visual buffer to adjacent properties. The flame seen from flare gas will cease.

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

Yes. The modification to the Special Use is consistent with the purpose of the zoning district classification and the intent and purpose of the regulations. The proposed request to modify the Special Use does not change the property's current use as a landfill facility.

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

This request is in conformance with the Harper County Comprehensive Plan. Chapter 4, Economy, notes an effort to "aggressively be pursued:

1. While continuing to develop and strengthen agriculture, all segments of government and private initiative should work towards the diversification of the economy by selectively encouraging the expansion of nonagricultural businesses and industries and agritourism."

The landfill has demonstrated economic benefits to the County since beginning operation in January of 2006. This request will further enhance implementation of the Plan to provide additional revenue for Harper County, and will provide a beneficial reuse of generated LFG that would otherwise be flared off.

15. What is the nature of the support or opposition to the request?

No public were present at the hearing.

16. Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?

A historical chart showing the annual monitoring fees collected from Waste Connections have been included in the packet to review.

17. By comparison, does the relative gain to the public health, safety or general welfare by not approving the request outweigh the loss in property value or the hardship imposed upon the applicant?

There would not be a gain to public health, safety or general welfare by not approving the request. There would be both financial and other hardships to the Applicant by not approving the request. As an operator of a solid waste landfill, the Applicant believes in providing environmental benefits if at all possible through the disposal of waste. In this case, the Applicant has the opportunity to offset the carbon footprint of the landfill by beneficially reusing LFG as an energy/fuel source.

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

1. A site plan and screening will need to be approved by the Site Plan Committee before a zoning permit will be approved for the educational center and landfill gas energy plant.
2. A septic permit will need to be approved for the educational center by the County Sanitarian before a zoning permit is approved.
3. The Operation Plan will need to be updated and submitted to the County Clerk for file.

cc: Applicant

HARPER COUNTY BOARD OF COUNTY COMMISSIONERS

**CHECK LIST FOR CONSIDERATION
OF A SPECIAL USE CASE**

PURPOSE:

This check list is to assist: (1) the Chairman in conducting the discussion on a special use case; (2) the County Clerk in an orderly process of minute taking; (3) the Applicant in presenting new information; and (4) any persons who have new information or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the particular case. This check list is in keeping with the procedures in K.S.A. 12-757(c), (d) and (e) and the decision in Houston v. Board of (Wichita) City Commissioners, 218 Kan. 323 (1975). The latter determined that:

"Where the statutory requirements are fully met (Ed: Notice and public hearing) and a full and complete record of the substance of the planning commission proceedings is before the governing body, due process does not require the governing body to conduct a second public hearing on the advisability of the proposed change." (Syllabus)

CALL AGENDA ITEM:

I call Agenda item # ___ which is on Case No. SU-01-2019. This is an application to modify two conditions of the existing Special Use case SU-01-2016 for the Plumb Thicket Landfill approved by Resolution 2002-04.

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed, I'll ask the Board if any of them intend to disqualify themselves from discussing and voting on this case because they have conflicts of interest. Please let the minutes show that _____ has disqualified himself/herself because _____ and has temporarily disassociated himself/herself from our Board. We now have a quorum of _____ present for the consideration of the case.

PROTEST PETITIONS:

Has the County Clerk received any protest petitions on the case? (If no, proceed to next item.) (If yes) Do they constitute the statutory required 20% necessitating a 3/4 vote of the Board to approve the case? (If yes) Having determined that a valid protest petition has been submitted to the Clerk, I would remind the Board that a unanimous vote is necessary to approve the case.

COMMUNICATIONS:

Did the Planning Commission receive any comments from a city on this case? (If no, proceed to next item.) (If yes, discuss as deemed desirable.) Are there any other communications to consider on this matter other than from our Planning Commission? (Read and discuss as deemed desirable.)

SUMMARY OF HEARING:

I ask the Board members if they have all received copies of the unapproved Minutes of the Planning Board for December 17, 2019 which summarizes the hearing on this case? (If no, consider a motion to continue the agenda item until the minutes are available.) (If yes) Having determined that the members have received the required information, I am going to call on the Zoning Administrator for a report and then ask the Applicant and any members of the public who wish to speak on this case to confine their presentation to new information not otherwise presented at the hearing. The Board may also want to direct questions to the Applicant, the staff or other persons present.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator, Matthew Booker to provide us with a report on the case and recommendation of the Planning Board. (See Special Use Report.)

Thank you for your presentation. Any questions for the Zoning Administrator from the Board members?

APPLICANT'S PRESENTATION:

Does the Applicant wish to present any new information?

Thank you for your information. Any questions to the Applicant from Board members?

PUBLIC COMMENTS:

Does anyone from the public wish to respond to the Applicant's information or provide any new information? Please come forward and give your name and address.

Do any of the Board members have a question for the public presenter(s)?

APPLICANT'S RESPONSE:

Does the Applicant have any further responses to the public comments?

Any Board questions?

BOARD DELIBERATION:

Assuming the Board has received all the information they need on this case, you have received an outline of choices provided under the state statutes for Board action: (K.S.A. 12-757[c]) How do you wish to act?

(Recommendation to approve.)

- (1) Move to adopt the findings and factors and recommendation of the Planning Commission on Case No. SU- 01- 19 and to **approve** Resolution No. 2020-_____. (Majority vote needed.) *

(Recommendation to disapprove.)

- (2) Move to adopt the findings and factors and recommendation of the Planning Commission to **disapprove** Case No. SU- 01- 19. (Majority vote needed.)

(Recommendation to approve.)

- (3) Move to **override** the Planning Commission's recommendation, **approve** Case No. SU- 01 - 19 , **amend** in detail the findings and factors supporting the motion in the Rezoning Report, **attach appropriate conditions**, if any, and **approve** Resolution No. 2020 - _____. (2/3 Majority vote needed.)*

(Recommendation to disapprove.)

- (4) Move to **override** the Planning Commission's recommendation, **disapprove** Case No. SU- 01- 19 and amend in detail the findings and factors supporting the motion in the Rezoning Report. (2/3 Majority vote needed.) *

- (5) Move to **return the recommendation** to the Planning Commission on Case No. SU- 01 - 19 **for further consideration** at its next regular meeting with a statement specifying the basis for the Board's concern whether to approve or disapprove the recommendation. **

- (6) Move to **table** Case No. SU- 01 - 19 until _____, 20____ at ____:____ (a.m., p.m.) in this same meeting room for more (information) (and) (study) in regard to
(Majority vote needed.)

* **(Note:** If a valid protest petition is determined, a unanimous vote will be needed to approve the case.)

** **(Note:** If the Board returns the Planning Board's recommendation, the Planning Board, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Board, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by resolution, or it need take no further action thereon. If

the Planning Board fails to deliver its recommendation to the Board following the Planning Board's next regular meeting after receipt of the Board's report, the Board shall consider such course of inaction on the part of the Planning Board as a resubmission of the original recommendation and proceed accordingly. In either circumstance, the Board may take any action they desire by majority vote unless legal protest petitions are received which would necessitate a 3/4 vote, i.e., a unanimous vote to approve the case.)

CLOSING REMARKS:

(For approval)

Persons aggrieved by the final decision of the Board on this matter have 30 days after the effectuating resolution is published within which to appeal to District Court.

(For disapproval)

Persons aggrieved by the final decision of the Board on this matter have 30 days after today's action within which to appeal to District Court.

Thank you for participating in this matter.

I call for Agenda item # ____.

“Exhibit E”

Proposed Operations Plan – Section 8.3 Gas Control System

A gas management system, *which is a Landfill Ancillary Use*, will be designed to collect and control decomposition gas (i.e., landfill gas) to prevent gas migration outside the landfill and also prevent gas pressure build-up under the final cover that would compromise the functions of the final cover. A gas collection/extraction system will be installed, into the waste mass consisting of gas wells and a system of connecting header and lateral piped connected to a flare or another type of gas recovery device. This system will be designed and constructed in such a manner so as to not compromise the integrity of the liner, leachate system, and final cover system. The gas collection/extraction system (GCCS) will be installed in phases as required based on the New Source Performance Standard (NSPS) regulations when non-methane organic compound (NMOC) emissions from the landfill exceed 50 mega-grams/year. The GCCS will be installed sooner if warranted to control nuisance odor conditions or a possible measure to remediate exceedance of methane concentrations great 25% of the LEL in on-site structures or to remediate off-site migration of methane gas at concentrations over the LEL. All gas emissions/extraction components, and control device(s) will comply with local, state, and federal air quality requirements.

The typical gas well spacing will be dictated by calculations based on site-specific conditions, subject to review and approval by KDHE, and will also be included locations along the ridgeline of each phase, and around the perimeter where the waste depth first reached approximately 50 feet. All components of the gas management system will be located on the Plumb Thicket facility property, within the special use boundary, *with the exception of a renewable energy plant, ancillary improvement and education center. This will be a five (5) acre lot used for renewable landfill gas production, located east of the special use boundary and north east of the entrance.* The gas wells will be constructed using large diameter boreholes dilled into the solid

waste to a depth of at least 25 feet above the liner. The boreholes will be backfilled with pea gravel. An HDPE or PVC pipe will be placed in the center of the gravel. This pipe will have perforations starting one foot below the isolation layer (i.e., surface seal materials) and extending to the bottom of the pipe. A solid HDPE or PVC pipe and vertical riser wellhead will be attached to the top of the perforated pipe. Each vertical riser vent will consist of a solid wall pipe, which will be connected to the cover geomembrane with a pipe boot. The vertical riser vents will extend about 3 feet above the final cover to make them readily visible during landfill maintenance operations and easily accessible for repairs. All materials associated with the gas collection/extraction system will be constructed of materials that will be resistant to the corrosive effects of landfill gas, such as HDPE, PVC or stainless steel. The gas wells will be connected to a system of header pipes leading to a flare or other control device for destruction or utilization of the gas. Provisions will be made during system design, construction, and operations to collect gas condensate and recirculate it into the waste along with leachate.

“Exhibit E”

Proposed Special Use Condition – Section 17

The applicant shall own and maintain, consistent with these conditions through the opening, operating, closure and post-closure of the Subject Property, the 1000 feet are on the east, west and south and 700 feet on the north that surrounds the Subject Property. As a condition of the platting process in Condition No. 16, the Applicant will be required to designate the entire remaining land area owned by the Applicant outside of, but contiguous with, the ownership of the Subject Property as a screening area, *with the inclusion of a five acre tract inside the buffer zone for the express purpose of a gas to energy plant and education center. There will also be ancillary improvements (e.g. road, landscaping).* Such an area shall be vegetated, natural buffer in the form of a nature conservancy which shall include retention of the existing tree lines. Once the screening area is established, the Applicant shall maintain it during the operation of the Subject Property and the post-closure period. Such land shall not be tax exempt from ad valorem taxes. When the design for the screening plan is approved by the Board of County Commissioners as part of the platting process, the land in the screening area shall be administered by a third party arrangement satisfactory of the Board of County Commissioners. The Applicant shall be responsible for funding the cost of establishing and maintaining the screening area and a method of providing funding on a permanent basis for such costs shall be set up by the Applicant subject to the approval of the County Commission. While the planting of vegetation on the screening easement may be accomplished in phases, the initial screening shall be designed to provide screening on the perimeter that screens the operation of the Subject Property to the greatest degree possible from the roadways adjacent to the Subject Property and from landowners who reside in the area.

Proposed Special Use Condition – Section 28.

The county shall have a right to access the Subject Property at all times for the of monitoring and inspecting the operations of the Subject Property for the compliance with federal, state, and local laws, rules, regulations, policies and these conditions. In addition, for the same purpose, the County shall have access to the Applicant’s other facilities that Solid Waste may be delivered from to the Subject Property such as its transfer station in Wichita, Kansas during normal business hours of such facilities. The County shall also have a right, at any time during the normal business hours, to inspect records kept at the Subject Property or away from the Subject Property that pertains to the operation of the Subject Property or pertains to Solid Waste that is delivered to the Subject Property. In order to cover the County’s cost for such monitoring and inspection, the applicant shall pay the County an annual fee of ~~(\$150,000 subject to annual CPI adjustments that is directly proportional to the percentage change in the CPI for such annual period)~~ \$175,000, of which at least \$25,000 shall be dedicated to an account managed by the Plumb Thicket Conservation Committee and specifically used for the Environmental Program and End Use initiatives at the landfill. Such payment shall be due upon the application for the permit to KDHE in a pro-rated amount for the first year through December 31 and payments made thereafter shall be made in advance on January 2 of each year. The obligation to make such payments shall end upon completion of post-closure. Upon closure the annual fee may be adjusted by agreement of the County and the Applicant to reflect the time and resources that will then be necessary to maintain appropriate inspections.

ANNUAL MONITORING FEE

Harper County, Kansas

PLUMB THICKET / WASTE CONNECTIONS			
Calculation by The Controller for the KS Division of Waste Connections			
CPI % increase from 2002 to current, added to the base amt of \$150,000			
Date	Collection	Amount	Comments
01/17/03	Annual Fee	57,534.24	Prorated for 2002
04/08/03	Annual Fee	150,000.00	
06/2004	No Fee?	0.00	
06/26/05	No Fee?	0.00	
01/27/05	Annual Fee	150,000.00	157,093.95
02/22/05	Annual Fee CPI	7,093.95	
01/13/06	Annual Fee	150,000.00	161,209.36
07/27/06	Annual fee CPI	11,209.36	
01/12/07	Annual fee	150,000.00	165,000
01/31/07	Annual fee CPI	15,000.00	
02/22/08	annual fee + cpi	171,329.40	
02/03/09	annual fee + cpi	170,077.52	
02/01/10	annual fee + cpi	175,935.54	
02/09/11	annual fee + cpi	178,863.25	
02/06/12	annual fee + cpi	184,118.00	
	annual fee + cpi	187,708.00	
02/11/14	annual fee + cpi	189,270.00	
02/09/15	annual fee +cpi	190,650.00	
03/02/16	annual fee +cpi	190,578.00	
01/29/17	"	194,062.00	
01/28/18	"	197,280.00	
01/22/19	"	199,770.00	
		2,920,479.26	



PRODUCT No. 013-231 FILE No. 0231314100 CADD NO. DATE 12/17/02

Denver, Colorado

NORTHWEST CORNER OF SECTION 4, T 31 S, R 6 W
NORTHWEST CORNER GOVERNMENT LOT 4 FOUND
1/2" REBAR FROM COUNTY REFERENCE TIES

MINIMUM 1000'
SCREENING

SECTION 4
T 31 S, R 6 W

SPECIAL USE BOUNDARY

PROPERTY BOUNDARY

MINIMUM 1000'
SCREENING

MINIMUM 700'
SCREENING

BOUNDARY OF MUNICIPAL SOLID
WASTE DISPOSAL AREA
(229 ACRES)
(SOLID WASTE PERMIT PENDING)

WEST HALF
SECTION 3
T 31 S, R 6 W

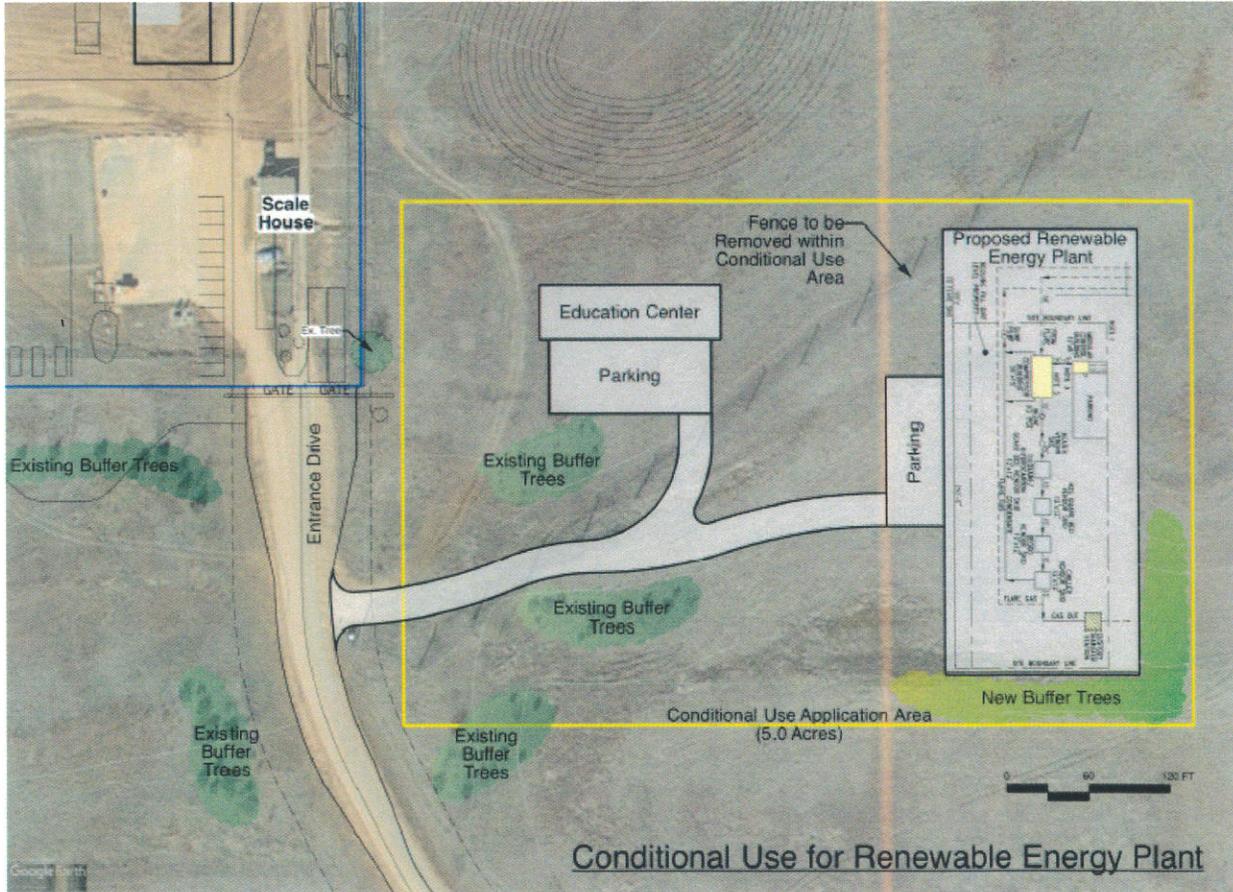
MINIMUM 1000'
SCREENING

EAST LINE OF SECTION 4, T 31 S, R 6 W
(WEST LINE OF SECTION 3, T 31 S, R 6 W)



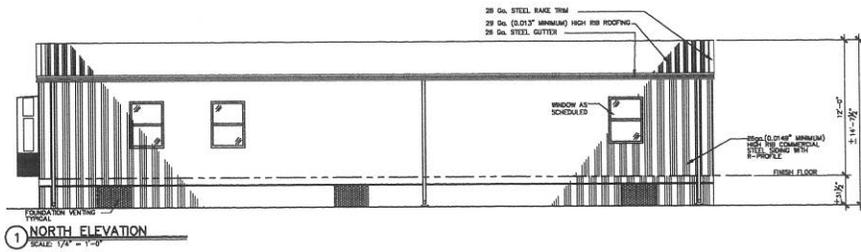
EXHIBIT A
WASTE CONNECTIONS OF KANSAS INC.
PLUMB THICKET LANDFILL
HARPER COUNTY, KANSAS
DECEMBER 18, 2002

Proposed location of renewable energy plant

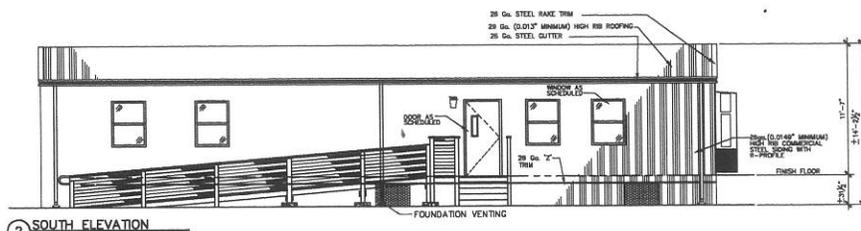


Plumb Thicket Landfill – Site Plan
 440 NE 15G Rd, Harper KS 67058
 sheet 1 of 1 scale 1"=60'
 date 10/12/2019 project #19045
 1415 E. 2nd Street N. W. Okla. City 73102-4529 www.fosterdesignassociates.com

FOSTER DESIGN 
 Associates LLC
 landscape architecture & planning

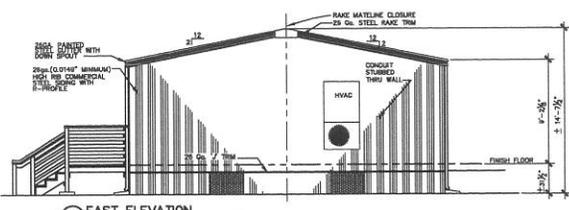


1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

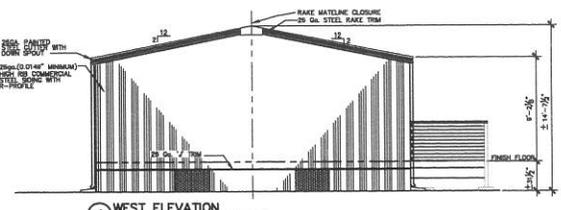


2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

NOTE: FOUNDATION VENTING PROVIDED WITH A MAXIMUM DIAMETER HOLES OF 1/4" THIS BUILDING EXCEEDS 11.5 METERS PER SECTION 1203.3.1 BC 2009.



3 EAST ELEVATION
SCALE: 1/4" = 1'-0"



4 WEST ELEVATION
SCALE: 1/4" = 1'-0"

PLAN ELEVATIONS	
1	NORTH ELEVATION
2	SOUTH ELEVATION
3	EAST ELEVATION
4	WEST ELEVATION



PROJECT: WASTE CONNECTIONS [CUSTOMER APPROVAL]
 28'-0" X 60'-0" OFFICE BUILDING
 LOCATION: OKLAHOMA CITY, OK

PROJECT NUMBER: 110703
 DATE: 08-10-18
 DRAWING BY: EX
 SHEET NO: