

**THREE OAKS TOWNSHIP  
PLANNING COMMISSION**

Special Meeting – RE: Methane Gas Plant Special Use Application  
Tuesday, February 21, 2024 7:00pm

**CALL TO ORDER**

Kaminski called the special meeting of the Planning Commission to order at 7:00p.m. on Tuesday, February 21, 2024 at Three Oaks American Legion Post 204.

**Attendance**

Present: Christian Mitchell, Daniel Versaw, John Kramer, Karen Seifert, Mark Seifert, Robin Snyder, Leslie Kaminski

**ABSENT**

None

Kaminski reported the purpose of the meeting was to address the request of Archea for a special use permit.

Zoning official, Ed Carpenter –stated that Archaea’s application for a special use permit met the zoning ordinance’s minimum requirements to build a renewable natural gas facility (RNG) on Forest Lawn Landfill (FLL) property.

Kaminski opened the meeting for public comment.

Butch Frye of Archea Energy offered a presentation on the project. Mr. Frye then offered to answer questions from the public.

Elise Ferguson – Talked through the process of removing RNG from FLL methane gas and benefits to air quality.

Brian Pauling – Archaea will work with EGLE to obtain all necessary permits and scope of project. He mentioned that there is a lot of regulation.

Butch Frye –70 people to construct facility. 3 full time employees. Archaea is planning to invest \$10 million into facility.

Mike Holfoltz – Asked if Three Oaks Twp. Is going to benefit from using gas.

Megan Crowley – Described how gas will be piped off site if Archaea obtains all necessary easements from landowners.

Elise – Archaea has contract with TC Energy to sell RNG to them

Mike Holfoltz – Asked why proposed RNG can't be built on the original FLL property. Why east side of Basswood Rd?

Elise – Not enough room on original Forest Lawn Landfill footprint

Lanny Myron - Asked about facility size – façade. Pipeline underground location?

Butch – Facility will be about the size of a football size field. Height – 40' stack with flare. Mostly single story. Facility will be built behind trees. He mentioned that there are 2 other RNG facilities in Michigan and welcomed the public to visit.

Nancy Kertell – Village resident. Requested info packets and EGLE permits being submitted. Also asked about power source.

Alicia – Yes working with AEP as a power source

Butch – Archaea will provide more packets to Three Oaks Twp for residents to review. EGLE permit has not been approved. EGLE preliminary permit is approved. County Highway Occupancy approved through county. Twp Assessor has approved combining properties under a single property number.

Tina Scurek – Has health concerns about RNG facility and land values. Also asked about compensation?

Butch – No compensation to property owners that have property near RNG facility. Property owners that have pipe line easements will be compensated.

Michael Warren – How many plants does Archaea have?

Butch – 40 plants

Lynn Omara –Is RNG going to make a lot of money? How to benefit? Asked if special land use permit is already obtained by Archaea. How is RNG facility going to benefit local residents and how much money is Archaea going to make.

Chris Mitchell – Discussed process of obtaining an (SLU)

Butch – Benefits are taking gas out of air and improving air quality. Archaea will invest \$10 million to build facility. Archaea will sell gas to BP.

Chuck Sittig – Will air quality be monitored? Not concerned about money made. Will facility operate 24 hours a day? Owners – R.O.W. Gas piped off site only? Noise levels? Light level? Landscape plan?

Elise–Facility – Sound study at other site has been conducted. Will work with lighting ordinance. Landscape plan will be submitted. Facility will operate 24 hours a day. Thermal oxidizer to be used to clean air quality.

Melissa Scurek – Testing current burn-off? Does showing what is being burned off? Distance of currently facility to closest house?

Elise – Air permit in draft for review with EGLE. RNG facility will improve air quality. Archaea doesn't have document of distance that RNG facility will be from closest house.

Megan – Currently permitted to burn w/ flare at Forest Lawn Landfill. Available to public for review. Proposed RNG facility will provide cleaner air than the way the methane is being burned off now.

Elise – Archaea has models of proposed emissions of proposed RNG facility.

Butch – Don't know how close current facilities are to neighboring houses.

Al Ronwell – Asked about environment impacts studies for other facilities? Does Archaea have a map of proposed pipeline route.

Butch – No pipeline route has been designated.

Megan – Imminent domain can't be sought for this proposed project.

Carolyn Volstorf – Has vested interest in the area. Doesn't want this RNG facility. FLL was shut down – views this as an expansion. Doesn't want this RNG to cross Basswood Rd.

Carl Scurek – Questioned flare construction at FLL also possible methane pipeline leaks at FLL. Asked about current methane pipeline condition and if FLL is being fined by the state.

Butch – EGLE has not fined FLL. Doesn't know of any violations at FLL.

Megan – Construction would start this year. Archaea is preparing for RNG facility. Trying to meet sustainability goals. Electrical sites are inefficient.

Teresa Prim – Asked about septic design and water tests. How financially specific can Archaea be? How long is lease? Time frame on ROI? How much money is FLL going to make by leasing property to

Megan – It's a joint venture between FLL & Archaea (Project Lightning). Proposed facility will be similar to other RNG facilities.

Butch – 20 year lease with FLL. Gas prices fluctuates. Possibly ROI in 2 – 3 years. Other facilities run electric generators. Pipeline has to be in place. On line in November possibly. Runoff – storm water – Basins are to be constructed per permit. No wastewater – no chemicals will be in runoff. Water well will be drilled at site.

Colleen Newquist – Clearing has been done on property. What happens if RNG isn't approved? Timeline with pipeline? Pipeline location map?

Butch – Trees can be cut down on private property and the location is private property. No restrictions on clearing land.

Elise – Pipeline path is being discussed with landowners.

Alana – Next step if RNG facility doesn't pass? How was land acquired? Proposed RNG facility will affect lives of local residents.

Megan – Don't know how land was acquired by FLL.

Butch – No contamination will occur. Set back distances required to allow FLL to expand can't be met.

Megan – Nothing unsafe about what is proposed. No plans currently to expand FLL. Lease agreement – will expire close to when gas runs out. Productive phase for obtaining gas from landfill is 20 – 30 years.

Tina Scurek – 1<sup>st</sup> question: FLL closing status? Permanently closed on status. Not temporary closed on status. 2<sup>nd</sup> question: Fire suppression – Is TOFD capable of putting out a fire at proposed RNG facility. 3<sup>rd</sup> question – Health aspects – on families and kids?

Butch – TOFD capable to handle any issues that may occur. Safety measures in place.

Megan – If RNG facility would malfunction devices are in place to revert to FLL flare.

Julie Sittig – Mentioned that Three Oaks is a resort town. Wildlife in abundance – what happens to them? It was a 20 year process to close landfill. AEP approached her about upgrading power grid on her property. Will proposed RNG facility feed into power grid?

Megan – Don't know AEP plan. Need power to generate power for RNG facility. 2 megawatts of power are needed. Haven't finalized plans with AEP. Too many variables.

Melissa Scurek – She doesn't want the RNG facility. Did Four Winds approach FLL about purchasing natural gas? Asked commissioners to recuse themselves if they own property that the proposed pipeline may be installed on.

Megan – Gas to Four Winds could be a possibility. Republic Services – FLL is moving forward with the green deal. After lease is up with FLL, property will be returned to as it was prior to the RNG facility being built.

Kevin Kanger – Has concerns about the proposed flare and emissions. His house is 869' from proposed RNG facility.

Elice – Flare only burns during maintenance or coming on line. Joint permit under review. Emissions are calculated and permitted at worst case scenario. Archaea and FLL want to be good neighbors. Proposed flare is elevated.

Mike Crates – Feels like Archaea is being devious and hush hush. Familiar with FLL and their property.

Carl Scurek – Feels like FLL has always been the issue. Asked about power grid requirements and proposed pipeline location to New Buffalo Twp. Also asked if Archaea is affiliated with BP.

Attorney James McGovern – Explained the process to the crowd and mentioned that the commissioners would not be voting at this meeting.

Butch – BP is affiliated with Archaea

Janice Muhr – Lives near proposed RNG. Spring Creek runs through property. She has 5 questions.

- 1 – no indication of land value that RNG facility will have on area.
- 2 – No other possible sites available? She feels that it needs to stay on west side.
- 3 – Noise – decibel levels associated with RNG facility?
- 4 – Machinery noise levels?
- 5 – Pipeline options and location of proposed route?

Hal Rockwell – Questioned possible environmental issues. Asked if a pipeline can be submitted for public review.

Butch – Willing to relay questions to his boss.

Liz Emery – Who are board members to benefit monetarily? She is upset at the process and companies involved: FLL, BP, Archaea. Likes the peace and quiet – doesn't want noise and RNG facility.

Rick Shippee – Presented letters from Douglas Pipeline who wants to run the proposed pipeline through his property.

Butch – Confirmed that the proposed pipeline is going west towards NB Twp.

Carolyn Vollstorf – Feels residents desires need to be heard and voices heard, and corporate America doesn't value our way of life. Residents will keep fighting.

Barbara Englebert – Feels that Archaea got ambushed at the meeting. Wants answers to questions asked at meeting. She loves Three Oaks Township – peace and quiet.

Mike Cluster – Asked about BCRD permits, traffic and # of employees. Had questions about flare.

Butch – BCRD has been working with Archaea. 3 full-time people working on site. No pressurized flare will be at RNG facility.

John Kniola – Asked about noise level

Butch – Had no answer regarding noise level.

Mike Cluster – Asked about obtaining addresses to other RNG facilities

Butch – Commented there is a plant in Ft. Wayne not running yet. The plant in Adora, IN is up and running.

Annie McKie – Has deep roots to area. Feels area has a lot to offer township residents and proposed RNG facility won't benefit the residents or the township.

John Swantstrom – Asked about study on wildlife and plants.

Butch – Wetlands delineation has been conducted. Some permits are approved, and some are not. Project buffers accounted for on site plan.

Theresa Prim – Has health issues and is concerned about proposed RNG facility impact on her health.

The Planning Commission asked whether there was any further public comment or questions regarding the application. No further public comments or questions were offered.

### **ADJOURNMENT**

With no further questions or comments, Kaminski moved to adjourn the special meeting at 9:21pm. Motion approved.

Mitchell addressed the crowd. Stated another public hearing will be scheduled on March 26<sup>th</sup> @ the Legion.

Respectfully Submitted

Dan Versaw