BOARD OF ADJUSTMENT AND APPEALS
REGULAR MEETING
MARCH 21,1989

10:00 A.M.
COUNCIL CHAMBER

Members Present: Jerry Dietz, Robert Boone, James Canaday and Ben Turbeville.

Members Absent: Don Hawkins and David Wright.

Staff Present: Gene Cravens, Ass't City Mgr; Pat Payne, Sec.; Don Blanton, Fire Marshal; Tom Watson, Emergency Management Coordinator; David Tharp, Fireman.

Visitors Present: List attached to this document.

TRANSCRIPT

Transcript: Dale & Arthur Felderhoff, dba, Liquid Feeds

Time: 10:09 a.m.

Boone: I will open this public hearing of the Board of Adjustment and Appeals, March 21, 1989. The first item on our agenda is consideration and approval of minutes from the Board of Adjustment and Appeals meeting as of February 21, 1989. I did receive my copy of the minutes....

Dietz: I did too and I read mine at home but I didn't bring it with me.

Turbeville: Mine's at home also.

Dietz: I make a motion that that we approve the minute

Canaday: Second

Boone: The motion has been made and seconded that the minutes of the February 21 meeting be approved. Any discussion? [Negative] All those in favor, say aye.

All: Unanimous.

Payne: Robert, who seconded?

Boone: Sorry, Uh, James Canaday.

Payne: Thank you.

Boone: The next item is to conduct a public hearing to consider an appeal of the decision of the Fire Official of the City of Gainesville requiring the diking of above ground acid storage tanks located at Liquid

Feeds, 401 N. Denison Street. Uh, Gene, would you or Donny like to....

Cravens: I'm going to turn it over to Donny.

Boone: Alright, have you got pictures? [Illegible discussion] No Sir.

Blanton: First of all, let me give you a copy of the inspection report we, uh.....[hands Board members copy of report: NOTE: A copy of that report is attached to this transcript] Uh, under violations, you'll see that there were a couple of other vioaltions which, uh, don't seem to be a problem. The main problem is the, uh, diking of these two tanks as they are situated in their facility. They feel that that would be a problem to dike these, uh, and continue operation. Is that right?

D. Felderhoff: Right.

Blanton: Okay. In talking with Dale Felderhoff, he has indicated that they plan to build a new facility within the next twelve to eighteen months. At that time, I suggested to him that he might come before you, because I didn't have the power to, uh, alleviate from the Code and thought maybe it might be proper to bring that to your attention.

Boone: Okay, do you, uh, Mr. Felderhoff...

D. Feld: Yes.

Boone: If you would, would you stand and give us your name and try to bring this, uh, up to date as far as what your thinking is on this situtation?

D. Feld: My name is Dale Felderhoff. And I'm the manager of Liquid Feed Plant, Liquid Feeds. Uh, this is my father, Arthur Felderhoff. He's the owner. And, they came around,...came around to do the inspection and noticed the tanks weren't diked and I told 'em what the situation was. The way they sittin' right now, if you have to dike the tanks, it's gonna severly hamper operation over there. Cause, the tanks have to be six feet apart, and the dike....is that what you told me?

Tharp: I don't believe so. No, it's.....

Dale F.: Regardless whether it's, they got to be six feet apart or whatever, it's gonna take about...

Tharp: I'm sorry to interrupt. I believe you're getting mixed up on the this...it's the fence that's got to be six feet tall.

Dale F.: Okay

Tharp: The tanks are fine the way they are.

Dale F.: The tanks, they will probably have to be moved because there're to close to my building there. I couldn't possibly dike it if it's going to be, if the dike's gonna be, takes about a, uh, twelve foot dike or more around each tank. That's going to be twenty four feet and they're going to have to be moved around a little bit and then it's gonna severly hamper the trucking in and out of the product in there. So, you know, at this time I'd like to not go through the expense of having these things moved and diked. It's gonna cost quite a bit of money to do that and we'd planned to build a new operation around here the next twelve to eighteen months. I'd like to take that money that it would cost to dike these tanks and everything and, you know, just put it in...the new operation. And, there's never been a problem over there with the tanks, so I don't know, you know, I know that it's, anything can happen anytime, but with, uh, safety it has been over there, I don't think at this time that there's a need to do it.

Canaday: How long has it been there?

Dale F.: About ten years.

Boone: Has there ever been any type of a spill from that location that you are aware of?

Dale F: There was one when they first put them in. They didn't know exactly how to put 'em together and they put the wrong kind of gaskets in the valve and the acid ate ate the valve out, but other than that, nothing has ever happened there.

Boone: Could you kind of, uh, I think, fill the Board in on the type of acid, uh....

Dale F.: The kind of acid that's stored in the fiberglass tank is phosphoric acid and in the metal tank, it's sulfuric acid. These are an ingredient in the feed as a natural source of phosphorus and sulphur and that....sulphur helps the animal not eat so much of the feed and keeps it flowable during the winter time months.

Dietz: What happens when the two acids mix together?

Dale F.: The Fire Department can tell you more about that, it would probably be some kind of reaction.

Boone: David, would you tell, would you tell us who you are.

Tharp: I'm David Tharp and a drive for the Gainesville Fire Department and I am responsible for this fire inspection. I can't tell you what the two chemicals will do when they mix together because I'm not a

chemist. I could find it out, but I can give you the health hazards on the chemicals, what I have, the information I have. The sulfuric acid, I believe is 93%, right?

Blanton: Right.

Tharp: It's corrosive to all body tissues. Inhalation of vapor may cause serious lung damage. Contact with eyes may result in total loss of vision. Skin contact may produce severe neurosis. Fatal amount for adults is between one teaspoon and one half ounce of the liquid. That's on the sulphuric. And on the phosphoric acid, it's 75% acid. It will burn skin and eyes and if swallowed, it will cause nausea, vomiting, or loss of consciousness. Uh, he's got two tanks down there that's got three thousand gallons in them, apiece.

Dale F.: The maximum amount that can be stored in those tanks at any one time.

Tharp: If I could add a reason why it's in the Code to be diked is because of the run off. It's so, uh, sulfuric acid, it, when mixes with water, it turns into hydrochloric acid in certain forms and there's a creek that runs pretty close to Denison Street there. If we're called to Liquid Feed on a spill or something, if there's a hole in the tank and it's leaking out and there's no dike, when we arrive at the scene, we've gotta build us a dike, you know, we got to go try to stop the liquid from getting into the water sources and everything to try and stop it. With a dike there, it's already stopped. We can come in, we put soda ash or lime on top of it and this will prevent it...if it starts raining, hydrochloric acid will be forming and that's the reason for the dike.

Dietz: In other words, if this gets down in the creek there, and there is water in the creek, then it's gonna have a hydrochloric acid gas?

Tharp: It could, in certain quanities. It's, uh, on phosphoric acid, uh, they're non-fire responsive. Neither one of them are flammable. It's rare instances that it will flame up. Uh, on the non-fire response, it's recommended to keep the material out of the water sources...and build dikes to contain flow as necessary. Neutralize spill material with crushed limestone, soda ash or lime, so, we're saying you can't let it get into the water source, cause if you let it get into the water source, you'll have to go into the creeks and you'll have to clean them all up, you'll have to call the EPA and all those. They'll come up and test your water...keep it like from getting into our water treatment facility, contaminate our water.

Boone: Gene? Uh, Jerry?

Dietz: I just want to ask one other question, uh, is there an alarm system or something like that there that if there is a, a leak, that it would sound off so that somebody would know it?

Tharp: No sir, there's not.

Dietz: Should there not be one there? We're talking about at one time, we could have six thousand gallons of acid there. What happens if lightening strikes one of those tanks? You could have both of them explode at the same time, and then you've got six thousand gallons of acid running some place.

Tharp: Yeah, we're suppose to have alarm, he's suppose to have an alarm system. I didn't include it in on...it's Section 2204, Alarm System, for Corrosive Materials and Poisonous Gas and Toxic Materials [Fire Code]. "Where highly toxic materials, poisonous gas or corrosive liquids are stored, or used in such quanity as to constitute a distinct hazard to the surrounding community, such stoerage or usage shall be providwed with an approved automatic leak detection system connected to a local alarm and supervisory system." See, Section 2204... and at the time he didn't have a fence surrounding, he had a fence around but didn't surround the whole tank, he had to come in and patch it up...violation of....

Boone: The fence would still be needed but on the exterior of the diking, would that be correct?

Blanton: Not necessarily. Just so long as it's around the tanks, it can be on the inside of the dike.

Boone: If it were in the situtation where the, the tanks were diked, and there was a spill, let's say regardless of whether or not the alarm was there, uh, there would still be a tremendous toxic problem, vapor problem, even though it's right where it is. I understand you can probably contain it much faster by...

Tharp: I'm not sure on the phosphoric acid, I've read some on 'em and the....keep the vapors down...put water spray on them, that's what, some chemicals we do, we put water spray and knocks the vapor to the ground and ina situtation like that where there's no dike, and if the chemicals were leaking, it could be very hard for a water spray because we would have to control the run off in the water to keep from getting it in the creeks and to our sewers and systems....so, with the dike there, I believe that the phosphoric tank, if it was leaking, we can put a water vapor spray on it, knock it down...keep the vapors down and during that time, you know, we can come in with soda ash and cover up.....(illegable).

Dietz: So what do you do then when you, uh, pump it out?

Tharp: It would have to be removed. You would have to get somebody to come in here and remove it and they would have to take it to, uh, a hazardous material dump and, I've heard before that, if he just had dirt dike around there, the chemicals are going to seep into the ground and sometimes they can come along, the EPA will test the ground for toxicity. If there's a high toxicity, what you have to do, you come in there and you turn the ground, plow it up and the sun keeps...bakes the chemical out and then they come back a couple of weeks later and they test the soil again for the toxicity. Then if it's in the range that, that's allowable, they'll let it go at that. But, at some places, you just keep turning the soil until the toxicity goes away.

Boone: Is there a special, that bring up a question point here, a special process as far as the diking other than just going in and dumping dirt and smoothing it out, or....

Tharp: What you have to do, we can require him, we don't...what we can require him to do is build a dike big enough to contain the leak, six thousand gallons, that's all we ask. By the Code, it says two gallons per square foot. Well, he doesn't, you know, to do that you going to have to have a pretty big diked area, so it's going to have to be a hundred foot....yeah, a hundred feet across in radius, so that's going to take up quite a big space to do that. He can build the diked area, the outter edges of it higher, you know, maybe three to four feet, instead of having maybe a two foot rise in the dike. As far as building material, he can do it out of dirt, you can build it out of concrete, whatever you want, just as long as it will hold the liquid.

Boone: Any more questions?

Dietz: Yeah, I'm going to ask another question here, okay? I was over there and I looked at how the tanks are situtated. Okay, if we build....

Tharp: I've got a map, if you let me....

Dietz: I've seen it-if we build the dike around it and one of the tanks starts to leak, okay, is the access to it, it's on the bottom side, isn't it, where it comes out? Can you pump it out through the top?

Dale F.: It's on the bottom. They got man holes on the top.

Canaday: See, (pointing at picture) right here.

Dietz: So, you would have to get up on top to, uh, such out, right?

Dale F.: It can go either way.

Boone: You mean in case of an emergency?

Dietz: Yeah, cause, if, if it, if it fills up the pit with acid, how you going to get over there and get it out?

Tharp: What he's referring to, there are special services that come in and specialize in that.

Cravens: You say the dike can be built out of concrete?

Tharp: Concrete, dirt....

Cravens: You've got a building up next to it. Is there a possibility of putting a concrete and retaining wall next to the building for one side?

Canaday: The metal building will be one side of it.

Boone: I thought that would constitute a, uh.... I don't have an answer for that. I don't know if that constitutes a dike or not, being it's already a facility being used for something else. I would think it would probably wouldn't, if you got down to it.

Discussion.....

Tharp: No, against the building.

Boone: Oh, I see what you're saying.

Cravens: Since you don't have room for a dirt dike....

Tharp: I think you could get away with that. You couldn't use the existing building as no part of the dike. You'd be making another....

Boone: You're talking about the building next....

Turveville: You had mentioned about moving tanks....moving them back to the same place or moving them elsewhere?

Dale F.: If we have to dike 'em, they're going to have to be moved, period, because they're too close....and other equipment there....conrete dike up there. You couldn't put a concrete dike, you could against that one building, but then there's tanks and another building there...acid to the feed, and it would be in the way. My access to the tanks open the valves to run it through my meter to put on feed. The way the plant was built there, is just, it'll just start off on one end with the two white tanks are, I don't know if you can see 'em in the picture there, but, started away, way

from where everything, where all the main activity goes on and they just added on piece by piece all the way down the line. And we were a silent partner more or less at it and they did things the way they wanted to do 'em and that's the way it all ended up.

Arthur F.: If I could just give you a little background on this, uh, I was partners with Sonny Long for, in the business, that was, was, I went in with him after this was built as far as that goes. He built it. And then I went in partners with him for, oh, several years later. He died here while back. Some you may know him, I don't know. And then we inherited in in 1985, assuming everything was alright, you know. When we have problems, we have problems.

Boone: Gene, a question that may be fairly obvious, answer it, it's uh, the Codes as I read them, seem to be very specific on the issue. Uh, keep in mind I understand the economics of having to move and large costs to them, but, suppose we have a leak or a spill or something down there....and we've got some kid riding down through there on a bicycle. That's just a far out deal, but it may not be, and something happens to that child and it comes back and we were looking at the situation of waiving or giving an extension until they moved the tanks. I just recently returned from a meeting in Houston with the Legal Round Table as far as lenders are concerned, with the EPA laws and things they are coming out with. They are very explicit and they, evidently they're really crunching down on these, this type of situation. What would be the liability factor on the City of Gainesville, came back and reviewed that we gave this extension during this time frame.

Cravens: Well, not being an attorney, but just off the top of my head, I'd say we would have a lot of liability. The claim would not only go against....but they would come back to the City and say you allowed this. Another problem we have, we're not only working with the City ordinance, but we're working with Federal EPA and Federal law on this. It also State.....isn't that correct, Donny?

Blanton: Yes sir.

Cravens: The EPA gets tougher and tougher.

Boone: Does anybody else have questions or...?

Dietz: Yeah, let me ask a question. What happens if you put a small dike around this with a drainage on it, draining to a larger diked area.

Blanton: I've never seen it, but....

Dale F.: There no room in that place to do that. It's just crammed tight in there right now the way it is, if we would try to do that, I don't know where we could put a larger dike where it wouldn't interfere with the trucking.

Dietz: Well, maybe not a larger dike, maybe a large pit.

Dale F.: I don't know where I could put a pit at. You were over there this morning and, it, uh, takes those trucks that whole lot area and even to drive over the railroad track to turn around in there, whenever they are comin' in.

Boone: What I understood at that meeting I went to, the worst thing you can do is run something into a pit. It had to do with the EPA and some type of acid. Back to what he was talking about, you need every inch of ground, that I understand, that you can get, even after you control the spill to go down in, and make sure it's not all soil...is that right?

Tharp: Right, cause, you know, like I said, if you made the dike out of dirt, some of that ground, there's a possibility the acid can never leave it, the sun could never burn it up, waste acid, so it would have to be removed, and you're going to have to be going deeper and deeper...

Boone: And the deeper you go, the more expensive...

Tharp: Right.

Boone They are working on a deal in San Antonio under the same deal, they were telling us, that has cost $10.7 million, just to clean up, uh, an excavation site.

Anybody have any further questions?

Dale F: I'd like to point out again that there's nothin' beside the first time whenever they brought the acid in there to start off with, nothing has ever gone wrong over there. I know things can, things can happen, but up to now nothing has.

Boone: Any comments? Anybody else?

Dietz: Is it purely economic, the reason you're, uh, it's going to be twelve to eighteen months before you move?

Dale F.: It's that, and uh, design of a new plant. I'm fixin' to go out on the road and look at some new areas so we can know exactly what we want to do, and uh, the way to design a new plant.

Arthur F.: It wouldn't be at that location, it would be a different location.

Dale F.: Yeah.

Turbeville: Would it be outside the City of Gainesville?

Dale F.: It would be in the City. And it would be built by the law, the way it should be. You know, we believe in doing things the right way. We're not just going to slap something together. Once we do something, we want to do it right so we don't have to come in and do things over again.

Boone: Well, I certainly understand the economics of it and it's just one of those difficult situations for both sides. I certainly feel for, what you're up against and the problem I have personally is the liability factor if the spill occured that we think hasn't occurred in the last ten years and what it could possibly cost the City of Gainesville as well as you, from what I've been understanding as far as the EPA is concerned, that's the only problem I have with it.

Dale F.: I think, uh, the only way anything could happen there would be like, you said, if lightening struck it, cause the reports I have on the tanks, the one is five eights inch metal, the one with sulphoric acid is in, and when it's in almost pure form like it is, it doesn't eat. When it gets down to a level where bad reaction is, well, it'll eat things up real fast, but at 93%, it won't eat on metal. That's why a tank like that can be good from twenty to twenty five years, a big metal tank. But, say, they are both good tanks, the only way something could happen, I think, is if lightening would stirke it. You know, God be on our side so far.

Turbeville: The only other thing I could throw out on that is, there hadn't been anything happened to my windows, where I, where I work until Sunday night, or Saturday morning, somebody put some kind of a bomb out there and a bomb could blow up a tank, you know, uh...

Tharp: Could I add something?

Boone: Absolutely.

Tharp: There's rubber * on the outside of the tanks, right?

Dale F.: Rubber...

Tharp: There's, as far as gaskets, for your hose coming into the tanks, the pipe, the bottom of the tank. I believe there is. Wasn't that what happened at the last spill, a gasket broke.

Dale F.: Well, no, they put the wrong kind in. They took a teflon gasket, they just had a, a asbestos gasket in there, and they....

Tharp: The gasket, they get old and they deteriorate, they can break. There's criminal mischief, just like he was saying, that can go wrong. The flour mill right across the street, I bet on an average, we respond there three or four times a year of people going in there setting fires and this is just right across the street, so the mischief could move across the street very easily. One other thing I'd like to say is, just a few blocks away there is a junior high school and this facility here, is located right in the heart of downtown almost. The main thoroughfare, California Street, is running just two blocks away, so it's something to take into consideration, because if we have a spill down there, and we don't have no dikes, we're going to have acid going down the drains and it's going to be a mess. It's going to be hard. It's going to be something, you know, if both them tanks emptied out, it's going to be a lot more than Gainesville Fire Department's, you know, we're going to have to call in help.

Cravens: If we had that acid going into our brand new sewer plant, which is monitored daily by the EPA and if we put, if we're out of compliance dumping that treated water into the Elm Fork, then we're subject to fines.

Tharp: Can I, uh, show ya'll just one more thing? This here has been run on our computer and this here is phosphoric acid [handing computer graph drawing to Board].....that is if he's having a leak and this is leaking one miligram per minute. The wind speed is fifteen miles an hour from the south, the prevailing winds are from the south. The temperature is 80 degrees F. That there is going to happen in twenty two (22) minutes. That's how far that chemical can....it's gone 5.45 miles in twenty two minutes.

Dietz: I take it this is Highway 82 [indicating]...

Tharp: Yes sir. There's the Airprot. This is sulfuric acid here and it's fifteen miles per hour, wind from the south, 80 degrees temperature and in thirteen minutes it can travel 3.27 miles.

Turbeville: That's the junior high school there.

Tharp: If the wind came from the southeast, it would take it right over it.

Dietz: The gas off of this is not flammable?

Tharp: In rare instances, it has flamed up. In all the books, it says non-flammable, but in rare instances, it has, once in a billion chance it could happen. It could get mixed in with some other type of chemical in the atmosphere, oxidizer, anything that supports combustion, pure oxygen state.

Boone: What's your opinion, Donny, of this as far as dealing with respect to the diking of it and the alarm, we'll take a look at this too, even with the dike there, the necessity of the alarm, wouldn't that....

Blanton: Yeah. Well, I didn't say anything about the alarm because Dave didn't write it up. Uh, that's also part of the Code.

Dietz: If we put a small alarm in the diking system, that would take care of it if there was a, uh, uh, small leak or something like that. It's not going to do anything for a major rupture.

Blanton: No.

Dietz: What's the chances of one of those tanks rupturing?

Blanton: Other than to be hit by lightening, I can't see how they could rupture.

Dietz: Or a truck run into it.

Arthur F.: We might of should have had somebody here from the.....ground.....all the time, you know, to explain things a little better than we can....

Boone: It's seems we would be looking at a band-aid cure if we're looking to making it any smaller than what the requiremnts are and the liability factor is going to be the same, if you don't go with the full cure, would be my opinion.

Blanton: I don't that would help either party to, you say a band-aid cure, that.....

Boone: I kind of like the idea of the alarm. That little diagram he gave us, as far as what could happen, as far as the gas factor.....

Dale F.: .....you know if we move our plant to a different location, you know, I believe, that's irrelevant....

TAPE CHANGE

Tharp: ....you're going to have to come in there,..dike...with water on them vapors to knock them down, well, there we go, we're eliminating one source, we're eliminating the vapors, but there goes our runoff again, in the creeks or sewer system. But with the dike area, and it's releasing the gas, the phosphoric acid, we can come in there, if we can knock it down with the water spray, keep it in the diked area, then come back and put soda ash on it, we would contain the spill and as far as the fumes,....the acid gas, or whatever....

Dale F.: I take it we could work with you, I say we could get by without a dike, I think something like that did happen, it'd be terrible if it did, and if it did, it would probably be at night where it would be caught, cause there's almost always someone over there at that plant, except on weekends, and if something like that happened while, say I was there, then we could get somebody over there, you know, as important as it would be, to build a dike, a fast dike around it to where the Fire Department could come in and do their thing. That would be....every weekend, that we could, there is somebody out there in the gravel pit that said we could get it out. I know, it's a tough decision, it's tough on everybody.

Tharp: All the spill of the sulphuric and phosphoric acid, if there is a spill, we're going to have to evacuate, I mean, immediately, there's going to have to be an evacuation. There's nobody going to be able to come in there without an air pack and for that target zone, people who are going to be operating bull doziers and things like that to build a dike, they're going to have to wear air packs, because the gas itself....

Dietz: We can't wait until after its done to build a dike.

Dale F.: You're talking a major spill her, right?

Tharp: No, fifty gallons is a major spill. In the State of Texas....

Dale F.: Five thousand pounds.

Tharp: ...fifty gallon in a liquid state will turn.....

Dale F.: I talked to the health department yesterday and the papers that they sent me, anything over five thousand pounds, I may be misquoting you differnt here, anything over five thousand, under five thousand pounds,...you and the chemical company are capable of paying, like I say, I can call the EPA in on it, in the papers that I have.

Tharp: I know we have fifty gallons is a major spill of sulphuric acid.

Turbeville: Does your plant have to be near the railroad tracks?

Dale F.: Yessir. It doesn't have to be, but, that's, we get a lot of product in by rail. See, hundred percent of our molasses and hundred percent of our corn products come in by rail. They come out of Houston and out of Illinois, and....

Turbeville: When you relocate, you'd still want to relocate close to the railroad track.

Dale F.: Yessir.

Canaday: If they had it diked, it wouldn't make any difference where the building goes.

Boone: Are there any other questions, or comments?

Dale F.: Would it help, you know, if we could get someone from the chemical company up here with a little bit more knowledge about, knowledge about the chemicals we're talking about, I don't know a whole lot about them, and David has told you what he knows about 'em. Do you need any more information on the health hazards and other stuff like that...

Boone: I personally don't feel uncomfortable with making a decision today, but I'll leave it to the rest of the Board.

Canaday: It wouldn't change the Code any...

Blanton: No.

Boone: The key is to that, the key to that that I brought up a while ago, Mr. Felderhoff, is that, uh, the Code, so,....any further discussion? If not, I'll entertain a motion.

Dietz: I'll make a motion we deny the request.

Boone: Do I hear a second?

Turbeville: I'll second it.

Boone: Motion has been made and seconded that the request be denied. Any other discussion? All those in favor say Aye.

All: Aye (unanimous).

Boone: All opposed. (There was none) What would be the time frame involved on this, uh, Gene?

Cravens: How much time did you give him, Don?

Blanton: Uh, thirty days for reinspection...

Payne: From this date (indicating)

Felderhoff: We'd like, we'd like to wait until we get the tank emptied....

Blanton: Yeah.

Felderhoff: It might be in ninety days. You have to empty it to move it...get somebody up there to move it out, it will

put us out of business for one thing for a while. I'd like to wait until the summer sometime, or the next time the tank's empty.

Question: How much is in the tanks?

Dale F.: Oh, one of 'em is probably got five hundred to a thousand gallons in it and the other one probably got between five hundred gallons.

Turbeville: How about during this time, having a guard there, like say, uh, like on weekends when, at night, when, you're not around anywhere and something should happen, why, they could be up on it right quick....

Dietz: ....alarm, have an alarm to have it hooked into the Fire Station or Police Station or something.

Turbeville: This is just for the ninety days or until he gets the dike.

Boone: Donny, are you looking for the specific time....is that what you're looking for?

Blanton: I'm looking for....yeah.

Tharp: As far as an alarm, all they really have to have is something like a horn going off or ....something like that, something to attract attention, cause, you know, policemen are on patrol at nighttime. They go by and they hear a bell ringing, they're going to go....

Dietz: Or a flashing light or something?

Tharp: Right, well....

Dietz: A flashing light would probably be easier to see or both, possibly.

Canaday: They may make something, you know, sort of like.....something like a smoke detector.

Felderhoff: I don't know if it's possible to do it or not, but it would be possible if we build a concrete wall around there and stay pretty close to the tanks so they can sit where they are...

Canaday: ....a hold of that material.

Boone: That's an excellent question. Who determines with, we've been talking size of dikes, what's the proper way to determine that? I know it's two gallons per foot, or....

Canaday: You need to figure out the cubic feet.

Tharp: Just as long as it holds the quanity in the tanks, I

would say. It's vague the way they say two gallons per feet, it's not really....

Cravens: That's six thousand gallons.

Tharp: Cause you'd have to have ....or a diked area big enough to hold six thousand gallons.

Boone: We could figure that out and put a concret retaining wall, would hold it. That would be, without having to move the tanks. As far as getting the product in and out, uh, ... on the ground. Couldn't you still have the pipe on the ground running under the retaining wall or through the retaining wall, or is that defeating the purpose? You'd probably have some kind of a pump system up and over, wouldn't you, to.....

Dale F.: You couldn't pump it and over like that, with that many ninety degree turns in it. Acid pumps will not do that. And they go so high, but they won't make no ninety degree turns and, it's better to have your pump pick it up and go through the tank and go up six or eight feet, it won't do it. It would have to come in straight level, the pump needs to be lower than the bottom of the tanks to get a suction on it.

A. Felderhoff: Isn't there a check valve in that line?

Dale F.: Uh uh.

Blanton: I don't see that the lines would be a problem, you know, you've been going through the retaining wall, yeah you could put a valve three, you know.

A. Felderhoff: Yeah.

Canaday: With a lock on it.

A. Felderhoff: You could put, you could put locks on those valves...and all you would have to do it pull the lever.

Cravens: If we could figure up how big of a retaining wall and how high it would have to be to hold six thousand gallons....did you find anything, Donny?

Blanton: No, it's just kind of the decision of the Fire Official.

Cravens: My concern is that it contains it; we don't care what it's made out of and we just want it to be contained, so...

Boone: Well, what will it be your recommendation then to this Board, Donny, with respect to the time frame we're talking about and safety measures between, now?

Blanton: Uh,...

A. Felderhoff: We would plead for ninety days, if at all possible.

Blanton: I'm always a little hesitant to put my neck in a noose, you know, and if anything happened in that ninety days, uh,....

Boone: The problem with this situation is is that I certainly understand where he's coming from as far as the ninety day period, but, you know, once you've made a decision, then isn't there a problem too of the immediacy of this situation with respect to the EPA and how they operate. That's the part that concerns me, as well as making sure that economicaly it's as feasible for these people as it can be, but are we opening ourselves up for ninety days, or....

Cravens: We're open right now. We're just extending that....

Boone: I was fixing to say, we've made the decision to cure; where are we by doing that rather than thirty days, I mean, even for their protection from a liability standpoint....

Cravens: I'm sure....uh

Boone: Has the Board got any comments on that, or thought, or....

Cravens: How about sixty days?

A. Felderhoff: If the tanks are empty in sixty days.

Cravens: But you're not going to have to empty the tanks if you've got a concrete wall there.

A. Felderhoff: Okay, I see what you're saying.

Dale F.: If we build that concrete wall, will that fence still need to going to be up there, with that concrete wall around it, you know, that, that fence I just put up, the existing fence got to be tore down then. I guess I should of waited until after then to put the fence up.

Tharp: You can put your dike around the fence.

Blanton: That may be a flaw as far as space, is what he's saying.

Boone: As I understood what you told me a while ago, it wasn't an either/or vote, is that correct?

Tharp: Right.

Blanton: Yeah.

Tharp: It has to have six foot chain, or six foot chain link fince around it, around the tanks.

Illegible: .....a concrete dike...

Blanton: If you're going to build a concrete dike, you could put the fence, you know, on the top of the retaining wall.

Tharp: Yeah. That would be no problem.

Blanton: That would work. I don't know at this point how tall your retaining wall's going to be, but....

Tharp: One thing I think we wouldn need, if he built a four foot retaining wall all the way around the dike, there needs to be some kind of ladder. If it had the fence around and had some type of ladder, then if we had to get into the tanks, like there was somebody fall inside that diked area working for him, they need some means of escape out if there was a leak where they can get out fast.

Boone: Is there a distance factor, I might have missed this a while ago, is there a distance factor on the diking away from the, away from the tank?

Tharp: No.

Blanton: Uh uh, no if there was a flammable liquid, then there would be, but....

Boone: We just assume that if it's going to bubble up, it's going to spill straight over... Well, are we still more comfortable staying with sixty days and adequate protection down there as far as, uh, some type of an alarm or security setup that would be appropriate for the City?

Dietz: I have no problem with that.

Turbeville: I don't either.

Boone: Gene?

Cravens: Yes.

Boone: I think it's pretty well, full concurence of the Board that, uh, we probably shoot for sixty days, a period to come into compliance and in that time you all come up with what you feel is agreeable as far as an alarm situation in case of any emergency between now and then.

Canaday: You may have to put on a little sale to get rid of that last.

Dietz: We need an alarm system there anyway.

Boone: I would like to see the alarm system stay there even after the retainer wall was built. It's got to be. It wasn't part of the motion that we made a while ago, but...

Dietz: We just denied the request.

Boone: I understand.

Dietz: But that's still a part of the Code.

Boone: Uh, any further discussion.

Payne: We need a motion, don't we? Don't we need something....

Blanton: The motion was to deny the request.

Payne: ...because you're just requesting....

Boone: Do we put it in the form of a motion as far as the sixty day deal, you think, and the alarm system.

Cravens: Uh, you gave them thirty days originally, Don.

Blanton: Uh, that was the date on here for the reinspection.

Cravens: The reinspection, so you haven't given them a date to come into compliance?

Blanton: No.

Cravens: I think what we can do is just get another, uh, letter from the Fire Department giving them sixty days to put the dike up.

Boone: So, a motion would not be in order.

Cravens: What you've done, you've just denied their appeal from....from the Fire Department.

Boone: Any further discussion?

Canaday: I make a motion we adjourn.

Turbeville: Second

Boone: So moved.

ADJOURNED AT 10:54 A.M.