

EXHIBIT D. Additional information submitted by petitioner at October 9th meeting

Proposed Findings of Fact

LKQ Midwest, Inc.
BZA-2023-01

Applicant, LKQ Midwest, Inc. submits the following proposed findings of fact in support of its Petition / Application for Special Use.

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community** because the operation, which is taking place indoors, has been designed to minimize any nuisance type of effects and will operate in accordance with all operational and performance standards applicable to the proposed use, including those set forth in V10.2.8 of the Town of Lapel Unified Development Code, as well as those requirements set forth in federal, state, and local statutes, ordinances, rules and regulations applicable to the proposed use.
2. **The requirements and development standards for the requested special use will be met** because the Applicant has submitted a site plan which will meet the specific requirements of V10.2.14.N. of the Town of Lapel Unified Development Code, and pertaining to the storage requirements for inoperable vehicles in a permitted junk yard, including location and screening of such inoperable vehicles.
3. **Granting the Special Use will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity** because the proposed use will operate in accordance with all operational and performance standards applicable to the proposed use and other Ig uses, which have been adopted by the Town of Lapel in furtherance of the public health, safety, comfort, convenience, morals and general welfare. The proposed use meets the stated intent of the Ig zoning district and has been planned to operate on a large tract of land with appropriate distance separation from other uses on nearby properties, which are predominately industrial, agricultural or vacant. All applicable environmental state and federal permits will be followed.
4. **The proposed use will be consistent with the character of the zoning district in which it is located and the Town of Lapel Comprehensive Plan** because it is similar to other permitted uses in the General Industrial zoning district, which has a variety of industrial and other categories of uses similar in size and operational characteristics of the proposed use. While the comprehensive plan contemplates light industrial use south of SR 38, it also contemplates warehousing and manufacturing as a potential uses. Given that the activity associated with Applicant's proposed use takes place indoors, the proposed use is consistent with the Comprehensive Plan.

LKQ Lapel – BZA Special Use Application

Findings of Fact Criteria #1 Summary

- **Automobile Dismantling** - Occurs within enclosed building, on concrete slab, with secondary containment. Selected parts removed, including engines, transmissions, tires, gas tank, combustible fluids, etc.
- **Groundwater Aquifer**- Bluffton/ New Castle/ Tipton Till Aquifer System has low susceptibility to surface contamination because it is overlain by thick clay deposits.
- **Town of Lapel Public Water Supply** – LKQ site does not fall within the Wellhead Protection Area for the Lapel Well on SR 13. The well is sealed with a grouted interval which prevents groundwater contamination impacting the groundwater aquifer.
- **Stormwater Detention Pond** – LKQ detention pond will be clay lined which prevents water infiltration into surrounding soils and keeps pond functioning as “closed” system.



October 5, 2023

Mr. Charles Malaniak
LKQ Corporation
5846 Crossings Boulevard
Antioch, Tennessee 37013

**RE: Lapel Wilson Property Site Development
 City of Lapel Groundwater Aquifer Evaluation Report
 Green Township, Madison County, Indiana
 Apex Project No. LKQ001-0309200-23010514**

Dear Mr. Malaniak:

On behalf of LKQ Corporation (LKQ), Apex Companies, LLC (Apex) has prepared this report to summarize the findings from various resources reviewed and analyzed to evaluate if there is a potential risk of contamination to the groundwater aquifer sourcing the City of Lapel's Public Water Supply Well No. SR 13 from the proposed development of the above-referenced property (Site). LKQ is proposing to develop the 102-acre tract of land into a auto parts dismantling and distribution facility.

Apex understands the Site, zoned previously as "agriculture", has been approved to be rezoned as "general industrial" in a vote held in August 2023. After this approval, several residents of the City of Lapel raised concerns regarding the recent rezoning, which was presented to LKQ in the Remonstrance Letter dated September 18, 2023.

Referring to the Lapel Remonstrators Attachment "B" Failure to Satisfy the Requiring Finding of Face for a Special Use Variance, the Lapel UDO set forth four (4) relevant criteria that must be established before a special use variance may be granted. As defined in *No. 1 Environmental Impact*, an approval will be injurious to public health, safety, morals, and general welfare. This report will discuss the findings from the resources listed below to address the environmental impact concerns presented and described in Attachment "B".

Resources reviewed encompass both local and site-specific information including but not limited:

- LKQ Corporation's on-site operations
- The Site's proposed stormwater detention pond design and plans
- Phase I Environmental Site Assessment (Phase I ESA) Report
- Preliminary Subsurface Investigation and Geotechnical Evaluation Report
- Various published geologic and hydrogeologic resources for the State of Indiana
- Well files and documents from Lapel Municipal Water Company for Public Water Supply Well SR 13.

Background:

The Site is located just outside of the City of Lapel in Madison County, Indiana and is situated approximately one quarter (1/4) mile southwest of the intersection of State Route 13 and State Route 38. Located on the USGS 7.5 Minute Quadrangle Map of Lapel, Indiana in the northeast quarter of Section 16, Township 18 North, Range 6 East. Any current structures on the Site will be torn down, and historical utilities will be abandoned pursuant to applicable regulations prior to any new structures are constructed on-site. The potable water well located on the east side of the Site will be plugged and properly abandoned per the Indiana Department of Natural Resources (IDNR) regulations to prevent a pathway for contamination to the known groundwater aquifers in the area.

Phase I Environmental Site Assessment (Phase I ESA):

A Phase I ESA was completed for the Site on May 25, 2023 by Alt & Witzig Consulting Services (A&W) to identify if Recognized Environmental Conditions (RECs), controlled recognized environmental conditions (CRECs), historic recognized environmental conditions (HRECs), and/or vapor encroachment conditions (VECs) are present on the Site in its current condition. The assessment concluded that there was no evidence of RECs, CRECs, HRECs, or VECs in connection to the Site based on the information collected from the on-site field reconnaissance and the data review. A&W concluded further investigation and testing appear unwarranted for the Site.

LKQ Site Operations and Best Management Practices:

Site operations and best management practices (BMPs) have been reviewed and discussed with LKQ in detail for the groundwater aquifer evaluation for this report. The proposed operations for dismantling automobiles and temporary on-site storage prior to removal will have equipment and procedures in-place to prevent spills from occurring and provide BMPs for handling spills should they occur. All automobiles brought on the Site will be dismantled within an enclosed building on a concrete slab. Select automobile parts such as engines, tires, gas tanks, transmissions, etc. will be removed leaving only a car frame for temporary storage within the exterior, gravel yard. After 400 days +/-, the remaining car frame will be sold at commodity pricing and removed from the stone yard. When removing parts from the automobiles, secondary containment will be in-place for spillage prevention. Additionally, fluids will be pumped from the automobiles and will be transferred aboveground to new, steel, double-walled aboveground storage tanks (ASTs). The ASTs will always be kept inside the building for spill contamination prevention and protection. Once these ASTs are full, they will be routinely emptied by the appropriate specialized vendor for proper disposal off-site.

During the dismantling process fluids and/or water in contact with fluids from the automobiles entering the trench drains within the car dismantling areas will be conveyed through the warehouse sanitary pipes to a series of three (3) 1,000-gallon sand/oil/water separators prior to entering the sewer outfall and discharging to the public sewer system. This "closed loop" drain system directing waters to the publicly owned treatment works (POTW) will be in-place to prevent potential contamination from occurring to the soil subgrade on-site.

The stone yard area situated on the western side of the Site will be designed with a slope suitable to allow surface water runoff to drain to the detention pond on the northwestern end of the Site. Drainage swales will be located around all sides of the stone yard area. These drainage swales will collect any surface water runoff from the stone yard and redirect the water to the stormwater detention pond prior to discharge. Additionally, the stone yard will be designed to have directly above the soil subgrade a layer of geotextile material under 6 inches of stone meeting Indiana Department of Transportation (INDOT) standards. This geotextile layer will provide an additional layer of separation between the stone and soil subgrade underlay, therefore reducing water infiltration. Additionally, the 6-inch stone layer will slow the rusting process of the car frame in comparison to being stored directly on a soil surface. Due to the minimal timeframe for storage any rust occurring within the 400 day +/- timeframe will be minimal. The thickness of the stone layer and the geotextile underlay should keep rust chips, paint chips, or residual fluids contained within the stone base, therefore contamination risk to the soil subgrade is de minimis.

LKQ will be utilizing various best management practices as discussed above in order to prevent hazardous spills from occurring on-site. In addition, the required Spill Prevention Control and Countermeasure (SPCC) Plan will be in place in the unlikely event that a hazardous spill does occur on-site so it can be contained, and appropriate actions can be implemented in a timely manner.

Stormwater Detention Pond and Stormwater Handling:

The stormwater detention pond will be constructed at the northwestern end of the Site near Mud Creek. As recommended in the Preliminary Subsurface Investigation and Geotechnical Evaluation report completed for this Site, the detention pond will be clay lined in order to keep water at a constant level in the pond. Additionally, the clay liner

will allow the pond to function as a “closed” system. The detention pond outfall will include a stormwater outlet control system. This system will include a structure that will limit peak stormwater flow rates in accordance with Madison County standards and an outlet pipe that discharges into Mud Creek. With the stormwater outlet control system in-place, stormwater from the detention pond will discharge via the outlet pipe into Mud Creek preventing infiltration into the surrounding soils. **Lastly, the required Stormwater Pollution Prevention Plan (SWPPP) will be in-place, a stormwater permit will be obtained for the discharge outfall, sampling of the outfall for water quality analysis will be conducted (if required by permit), and per LKQ internal policies an Annual Stormwater Inspection will be conducted by a third-party engineering firm. With these measures in place, the contamination risk to the surface or groundwater flow regime from the proposed development is minimal.**

Geology - Local Area and Site-Specific:

Desktop research was completed for the local area in Lapel, Indiana within Madison County utilizing Indiana’s Geographic Information System (GIS) data webmap tool to review various geologic and hydrogeologic resources. Additionally, site specific information was collected and presented in the Preliminary Subsurface Investigation and Geotechnical Evaluation (A&W, 2023), including eighteen (18) geotechnical soil borings to determine the characteristics of the soils at the Site.

A review of the Glacial Quaternary Geology Map of Indiana, Map 49 by Gray, 1989 describes the surficial geology of the local area consisting of Wisconsinan Loam Till. This Loam Till consists of a high clay content, and these units of clay till strata are observed in thick intervals across this area. In general, thicker clay units are known to be low-permeability zones and therefore are referred to as “aquitards” or “aquicludes”. These confining units impede vertical groundwater flow and act as a barrier for groundwater to the strata underlying them. Bedrock geology for the local area consists of limestone, dolomite, and shale from the Bainbridge Group, and Silurian in age. On average the depth to bedrock is approximately 50-100 feet below ground surface for the area encompassing approximately 0.5-mile radius around the Site. Reviewing the Bedrock Surface Contour map from the Indiana GIS data webmap tool, the bedrock elevation is approximately 750 ft-msl to 800 ft-msl and dipping away from the Site in the southwest direction.

The Site is generally flat with a slight slope from east to west in topographic relief. The approximate elevations of the property range from 848 ft-MSL on the western side to 865 ft-MSL on the eastern side. Drainage and surface water runoff across the site will be from the eastern side of higher topographic elevation flowing downgradient to the western side of lower topographic elevation towards Mud Creek.

Referring to the Unconsolidated Aquifer Systems of Madison County, Indiana Map by Scott, 2010 the surficial till of the Site is classified as the Bluffton/New Castle/Tipton Till Aquifer Subsystem. Due to low water yields, wells drilled into this aquifer system will meet domestic well needs but not public supply needs. Additionally, per this publication *“this subsystem is generally not very susceptible to surface contamination because intertill sand and gravel units are overlain by thick till deposits”*.

Additionally, eighteen (18) soil borings were drilled across the site as part of the geotechnical evaluation completed for the Site. Analysis of the soil boring logs observed approximately six (6) to eight (8) inches of topsoil at the ground surface. **Beneath the topsoil layer, a majority of the borings encountered thick units of medium dense clays averaging nine (9) to twenty-one (21) feet in thickness.** Interbedded granular sand units were encountered in various borings across the site. These granular sand units were observed on average 10 feet in depth below ground surface, and approximately 3 feet to 8 feet in thickness. **These thick clay units described above are present above and below the granular sand units and act as aquitards impeding vertical groundwater flow to strata beneath further minimizing risk to the aquifer.**

Groundwater Aquifer and City of Lapel's Public Water Supply Well SR 13:

The City of Lapel's Public Water Supply Well SR 13 is located approximately 2,900 feet north of the northern border of the Site and located on the western side of State Route 13 and on the northern side of State Route 38. Well SR 13 is not located topographically downgradient of the Site, and the topography of the area surrounding Well SR 13 is similar to the Site. Shallow groundwater and surface water runoff for this area will preferentially flow from the higher elevations in the east adjacent to State Route 13 to the lower elevations in the west towards Mud Creek.

Referencing the Unconsolidated Aquifer Systems of Madison County, Indiana Map by Scott, 2010 the surficial till on the property of the City of Lapel's Public Water Supply Well SR13 is classified as the Bluffton/New Castle/Tipton Till Aquifer System. Wells drilled into this aquifer system will meet domestic and some high-capacity needs in the county. Most wells drilled into this aquifer range from 50 to 105 feet in depth with the aquifer consisting of sand and gravel ranging from 4 to 24 feet in thickness. Static water levels range from flowing at ground surface to 32 feet below ground surface. There are five (5) registered significant groundwater withdrawal facilities which include eleven (11) wells utilizing this aquifer system. Reported yields from these eleven (11) wells range from 250 gallons per minute to 1,000 gallons per minute. **Lastly, per this publication it states that this system "typically has a low susceptibility to surface contamination because intertill sand and gravel units are commonly overlain by thick glacial till".**

The City of Lapel's Public Water Supply Well SR 13 was drilled and constructed in 2003 for the Lapel Municipal Water Company to provide additional water capacity to the residents of the city. Per the Record of Water Well from the Indiana Department of Natural Resources, Well SR 13 is drilled to a total depth of 100 feet below ground surface and is at a surface elevation of 850 ft-MSL. The well has 84 feet of 2" diameter solid standpipe and 20 feet of 2" diameter 0.050" slotted screen within the water producing units at the bottom of the well. The static water level is listed as 7.0 feet below ground surface post well construction. **Additionally, Well SR 13 is grouted from ground surface to 70 feet in depth with Benseal™, which prevents both surface water communication and contamination from impacting the producing groundwater aquifer. Based on the well log listed, strata encountered during drilling include thick brown and gray clay from ground surface to 20 feet in depth. These same thick clay units or aquitards were also observed at the borings drilled on the Site.** Below the thick clay units are two interbedded fine to medium grained sands with thicker clay units above and below. At 47 feet below ground surface is a 31-foot-thick unit of coarse gravel, underlain by a 21-foot-thick coarse sand, which also appears (based on well construction) to be the main water producing unit for this well. At 99.5 feet below ground surface bedrock was encountered consisting of a light gray limestone. Per Indiana's Significant Water Withdrawal Facility database and files provided by Lapel Municipal Water Company for Registered Significant Groundwater Withdrawal Facilities, Well SR 13 has a listed pumping capacity of 350 gallon per minute.

Additionally, a half-mile (1/2) radius area around Well SR 13 was reviewed to determine if the groundwater aquifer sand and gravel unit outcrop at the surface. When the groundwater aquifer strata outcrop at the surface, this is a direct pathway for contaminants to enter the groundwater aquifer. Referring to the Unconsolidated Aquifer System of Madison County, Indiana Map by Scott, 2010, these specific sand and gravel units are classified as the White River and Tributaries Outwash Aquifer System and Subsystem. Both of these aquifer systems have little to no clay deposits, therefore these sand and gravel units are near the surface. No area within the half-mile (1/2) radius of Well SR 13 observed these two (2) aquifer systems outcropping at the surface. The closest location where the units outcrop is located approximately 2.15 miles southeast of Well SR 13, on the southern side of State Route 69. Furthermore, referring to Indiana's GIS data webmap tool the Surficial Clay Thickness Points Map was reviewed for a one (1) mile area surrounding the City of Lapel's Well SR 13. Clay thickness points ranged from 28 feet to 68 feet in thickness with the exception of one (1) point adjacent to Mud Creek which observed a clay thickness of 15 feet thick. Based on these findings, the recharge source for Well SR 13's groundwater aquifer has minimal risk of contamination from the proposed development of the Site.

Lastly, multiple documents provided by Lapel Municipal Water Company, and Citizens Energy Group outlined the Wellhead Protection Area for Well SR 13. **The Site is located outside of Wellhead Protection Areas and approximately 2,000 feet from the closest wellhead protection boundary.**

Please refer to **Figures 1 and 2** located in the **Appendix. Figure 1** is a site location map including the Site in relation to the City of Lapel's Well SR 13. **Figure 2** is a cross section schematic of the City of Lapel's Well SR 13. This cross section includes the various geologic units intersected within the wellbore, the public water supply well construction details including the grouted interval, and the aquitard clay/till units.

Additional Evaluated Potential Contamination Pathways:

Historical and active coal mines were reviewed for the local area as they can be a direct conduit pathway for contaminated groundwater. No coal mining was observed to occur within Madison County. Additionally, gas pipelines and gas wells were reviewed within a half mile (0.5) radius of the Site. Buckeye Pipeline Company has an 8-inch line located approximately 0.2 miles from the southeastern corner of the property. Indiana Gas Company Inc. has an 18-inch pipeline located approximately 0.5 miles south of the southern border of the property. Two gas wells were observed to be located near the Site. One is approximately 50 feet east of the northeastern corner of the Site, and the second is approximately 990 feet north of the northern border of the Site. Per the Indiana GIS data webmap tool both gas wells are presumed plugged. Based on this information, said findings are not a concern for a potential source or pathway for contamination to the soils and local groundwater aquifer system. Lastly, structures were reviewed within a quarter mile (1/4) radius of the Site to determine if any structures are built on a pile foundation. These deeper foundations can be a potential pathway for containment movement into deeper strata within the subsurface. No structures within a quarter mile (1/4) radius of the Site are known to have a pile foundation.

Findings:

Based on the information provided and discussed above, LKQ's site operations and BMPs are designed to significantly reduce the risk of spills or releases on-site. Further, given the local and site-specific geology, the well/aquifer location (approx. 2,900 feet horizontally, 78 feet vertically, and below multiple clay aquitard units) and well construction details of the City of Lapel's Public Water Supply Well SR 13, it is Apex's opinion that risk of contamination to the groundwater aquifer source supplying the City of Lapel's Public Water Supply Well SR 13 from the proposed development/operations is very low.

Should you have any questions or require any additional information, please feel free to contact me by phone at (724) 610-6556 or by email at stacey.hanson@apexc.com.

Yours Sincerely,

Apex Companies, LLC.

Prepared by:

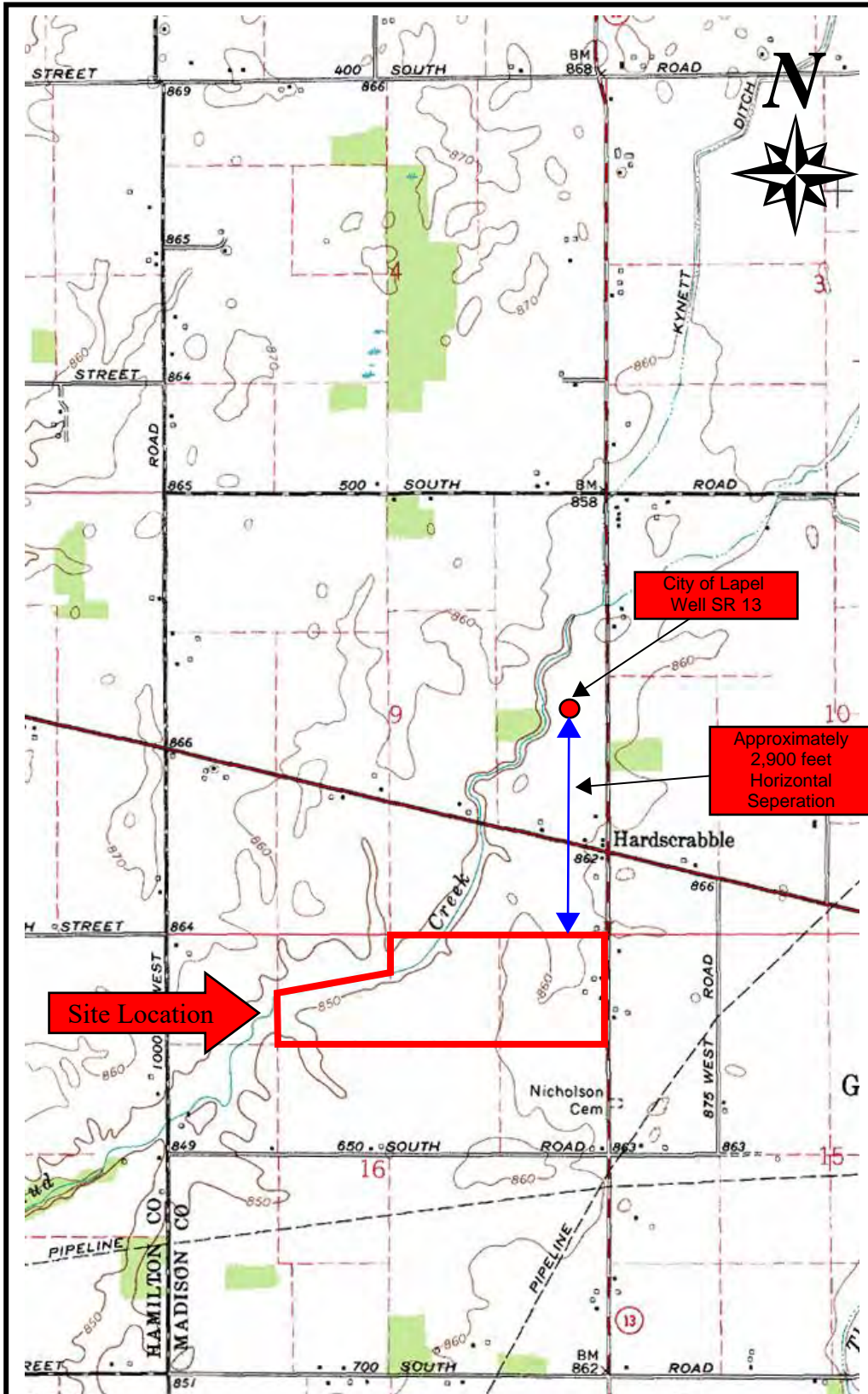


Stacey L. Hanson, P.G.
Project Manager

cc: LKQ Corporation
File: LKQ001-0309200-23010514

Appendix: Figures

FIGURE 1: SITE LOCATION MAP



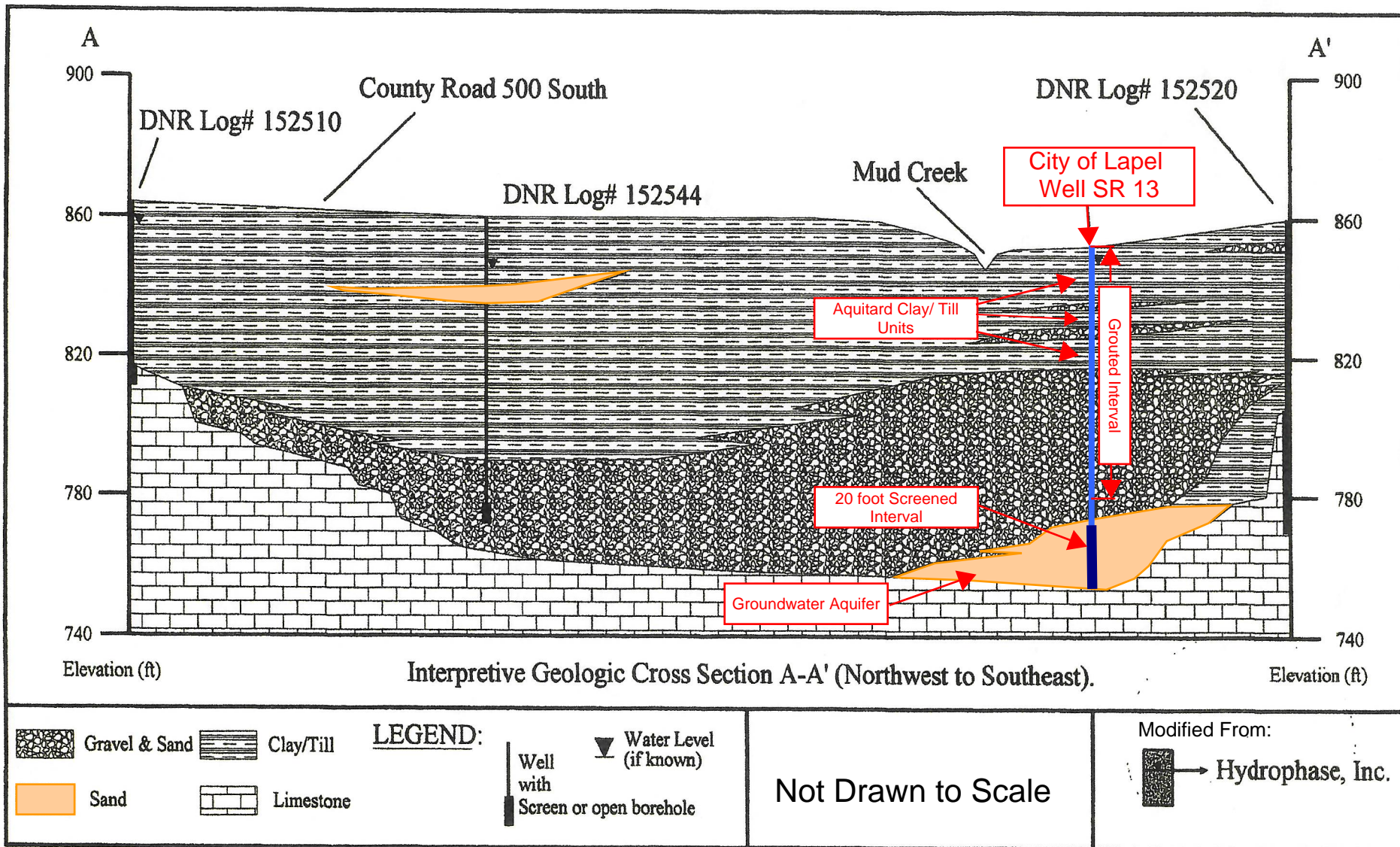
USGS Topographic Map:
Lapel Quadrangle

Township: T 18 N.
Range: R 6 E.
Section: 16

PROJECT: Lapel Wilson Property
LOCATION: Lapel, IN
CLIENT: LKQ Midwest Inc.

Modified From:
AW Alt & Witzig Consulting Services
4105 W. 99th Street · Carmel, IN 46032
TEL (317)875-7000 · FAX (317) 876-3705
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Figure 2: Public Water Supply Well SR 13 Construction Schematic and Geologic Cross Section

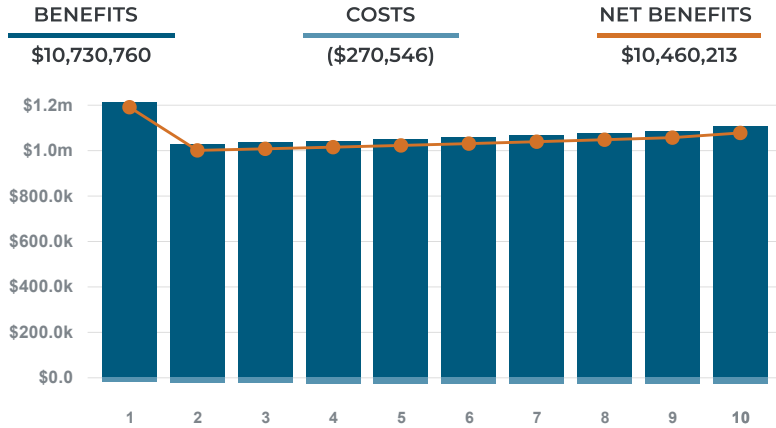




IMPACT REPORT

PROJECT BUMPER

Scenario 1



JOBS

120.0 Total
 70.0 Direct
 50.0 Spin-off

SALARIES

\$37,399 Avg
 \$45,000 Direct
 \$26,747 Spin-off

CAPITAL INVEST.

\$29.0M
 Buildings + FF&E

	Madison County	Green Township	Town of Lapel	Other Districts	Total
NET BENEFITS	\$3,091,218	\$737,559	\$1,551,822	\$5,079,614	\$10,460,213
Present Value	\$2,414,110	\$567,681	\$1,194,579	\$3,909,663	\$8,086,033

BENEFITS

	Madison County	Green Township	Town of Lapel	Other Districts	Total
Real Property Taxes	\$2,452,464	\$691,103	\$1,481,661	\$4,761,004	\$9,386,232
FF&E Property Taxes	\$161,840	\$45,606	\$97,776	\$314,182	\$619,405
Income Taxes	\$294,666	\$618	\$2,384	\$6,131	\$303,799
Other Benefits	\$280,968	\$232	\$46,525	\$93,598	\$421,323
Benefits Subtotal	\$3,189,938	\$737,559	\$1,628,347	\$5,174,916	\$10,730,760

COSTS

	Madison County	Green Township	Town of Lapel	Other Districts	Total
Cost of Government Services	(\$98,720)	\$0	(\$76,525)	(\$95,301)	(\$270,546)
Other Costs	\$0	\$0	\$0	\$0	\$0
Costs Subtotal	(\$98,720)	\$0	(\$76,525)	(\$95,301)	(\$270,546)