

**SUSSEX COUNTY SOLID WASTE ADVISORY COUNCIL**

**MINUTES**

**MARCH 9, 2010**

The meeting was called to order at 7:30 p.m. by Chairman Jim Landrith. The meeting is held in compliance with the Open Public Meetings Act, NJSA 10:4-1 of 1975, as amended. Present were:

MEMBERS PRESENT: James Landrith, Chairman, Andover Borough  
Eleanor Mensonides, Vice Chairman, Vernon  
Bob Smith, Andover Township  
William Koellhoffer, Byram Township  
Jason Doyle, Franklin Borough  
Allan Esenlohr, Green Township  
Chris Kelly, Hamburg Borough  
William Sanford, Hampton Township  
Howard Baker, Hopatcong Borough  
Edith McGrath, Lafayette Township  
Eric Powell, Sparta Township  
Katherine Little, Sussex Borough  
James Wright, At-Large

MEMBERS EXCUSED: Jo-Ann Williamson, Sandyston Township  
John Armeno, At-Large

STAFF PRESENT: Eric Snyder, Planning Director  
Jim McDonald, Health Department  
Reenee Casapulla, Recycling Coordinator  
Tom Varro, SCMUA  
Neal Leitner, Program Manager

**MINUTES**

A motion was made by Ms. Mensonides to approve the minutes of January 12, 2010. It was seconded by Mr. Doyle. All were in favor; motion carried.

## CHAIRMAN'S REMARKS

None

## REPORTS

A. SCMUA Update – Mr. Varro took this time to report on item I under Correspondence (DEP Certification of Solid Waste Management Plan Amendment). He said this item is in regard to flow control which was certified on January 15, 2010, effective immediately. Mr. Varro said there is a 90 day window for municipalities to look at their contracts with their haulers and come into compliance, and there will be a follow-up effort by the County Health Department who will be the enforcing agency. Mr. Varro then checked that date with Mr. McDonald and was told that it wasn't definite. Mr. Snyder pointed out that the June 1 date is to give municipalities time to get everything together so that they would be compliant. Mr. Varro said in that DEP certification there were a number of misstatements by the Commissioner that he has never seen in a solid waste management certification by the DEP or in any kind of public document. The DEP Commissioner began referencing SCMUA's noncompliance with title V air permitting. Mr. Varro said this is an ongoing matter of dispute between the MUA and the DEP. He said the DEP made an initial determination; SCMUA has appealed it and requested a hearing, and are now in the midst of settlement negotiations. He said we basically feel that not only was this unnecessary, but it was a slap in the face to pull out portions of our settlement discussions (only the portions that the DEP agrees with) and put them in a public document. Mr. Varro said Chairman Petillo has sent a letter to the DEP commissioner. A response has been received, but it was not favorable, so SCMUA is still going to proceed. Mr. Varro will report back to the Council. He also pointed out that much of this information is closed session items and should not be made public.

Regarding flow control, Mr. Varro reported on a document addressed to the SCMUA Board of Commissioners entitled 'The Projected Impact of Solid Waste Flow Control on SCMUA Tonnages & Revenues and the Development of a Tipping Fee Sensitivity Analysis'. Mr. Varro said this report was a topic of discussion at a meeting with Sussex County municipalities. He did not go into the specifics, but he did say that the MUA has looked at it, and has made projections through the end of the year. He said those projections come with the knowledge that it will probably be a June 1 flow control implementation date. Mr. Varro said there is a potential of no increase in tip fee (if State aid is received) or, if no State aid is received, the tip fee will probably have to go to \$122 per ton, which is an increase of \$43.00 per ton for ID 10 and \$22.50 per ton for ID 13. Mr. Varro stated that those numbers are out there for all the municipalities to consider.

Ms. Mensonides asked a question regarding contracts. She said since municipalities have until June 1 to get into compliance, what about contracts with haulers that are al-

ready in place? Mr. Snyder said they have 90 days, under the rules, to renegotiate their contracts.

Mr. Varro updated the committee on one more item. He said since 1997 the MUA has sent a portion of its gas to a landfill gas to energy facility located at Hamm's Landfill; but as of February, that facility has closed. At this point the MUA is taking care of all of its gas, and it is being processed through the flare. In terms of Hamm's, Mr. Varro doesn't believe they have any provisions, so whatever gas is being generated at Hamm's, he presumes is being vented to the atmosphere at this point. It's been reported to Mr. Varro by Hamm's that one of the main reasons they shut down is because they failed a stack emissions test for DEP so they didn't get their permit, and were subsequently cited for 13 days. During those 13 days, when their particulates and exhaust constituents violated the terms of their permit, they were fined and faced with a situation of having to rebuild both of their engines to try to come into compliance, which was not cost effective, so they just shut down. If that's the case, and Mr. Varro is going to find out before going any further, he thinks it's one of DEP's strange anomalies that for 13 days they allowed some projected emissions go into the atmosphere and then shut down the facility and allowed Hamm's Landfill to openly vent methane and other greenhouse gases into the air. Mr. Varro thinks this is actually doing more environmental harm than good. He will keep this Council updated.

B. Recycling Coordinator - Ms. Casapulla said that SCMUA's new pamphlets are now available. She said she will be giving them to recycling coordinators when she meets with them on the 11<sup>th</sup> (this Thursday). That meeting is a Recycling Tonnage Workshop that involves going through the previous year's tonnage figures and preparing the reports to submit to DEP.

Ms. Casapulla then passed around some information about an upcoming Food Waste Forum that will be held at SCCC on April 30<sup>th</sup>. This is an EPA based initiative that has been held for two years; Sussex is the final County to host this. She said when this forum was first held two years ago most of the information was theory. There is a lot of technology out there now, and equipment and companies are willing to work with you. Currently in our County, food waste is being collected and processed, and there are options for our County. An e-bulletin will be sent out regarding this event.

Finally, Ms. Casapulla stated that SCMUA is having its annual Earth Day on April 22<sup>nd</sup> during business hours. It's an educational forum; there will be activities and projects for the students as they go from station to station. It is also open to the public. She said this event marks the 40<sup>th</sup> anniversary of Earth Day, and SCMUA's fifth one.

C. State Liaison - not present - no report

## DIRECTORS' REPORTS

A. Eric Snyder - Mr. Snyder said, as Mr. Varro pointed out, that we are now in the operational part of flow control. There have been many emails and letters sent to every municipality and to the haulers. At least one education session will be held for the haulers so that everyone gets the word and understands that the County will be enforcing this. The fines for failing to adhere by the rules are going to be substantial, possibly \$10,000 per truckload. According to information from Mr. Hatzelis, the County is looking at approximately a 16% recapture of what it's been losing to other disposal facilities. The question we don't have an answer to yet is how much the State will or will not give us. At this time that fund has not been raided; so it *might* still be available for stranded debt aid. In order to give a general idea of the magnitude, Mr. Snyder said if the average family generates about a ton a year, we're looking at about \$3.00 a month additional (worse case). Although the increase sounds large, it will not be a major hit to a family.

Due to the absence of Mr. Leitner, Mr. Snyder asked if anyone had any questions regarding correspondence. Ms. Casapulla raised a question regarding solid waste compliance. In the absence of Mr. Yardley, Mr. McDonald took the microphone to answer that question and to give a departmental report.

### B. Herb Yardley - Implementing Recycling Compliance in the County

Mr. McDonald gave a report of the Health Department's accomplishments in 2009. The County Health Department inspected 49 solid waste facilities; inspected 30 closed landfills; interviewed 81 exempt haulers; performed 17 exempt hauler investigations; completed 60 recycling surveys; inspected 27 trucks; conducted 74 container investigations; and investigated 174 solid waste complaints. Regarding 2010 to date, Mr. McDonald said the department has investigated 18 solid waste complaints, interviewed 5 small exempt haulers, and performed 25 recycling surveys.

Mr. McDonald said the recycling program is broken into three phases. The first phase is having each of the field staff go out and perform a minimum of 25 surveys (10 inspectors/250 surveys). Those surveys will be reviewed by a solid waste staffer who will determine if the facility is in compliance. If they are, they will receive a certificate of appreciation. If they are not, they will get a letter of noncompliance warning them that they will be audited within 30 days, and told they should institute a recycling program. As part of Phase II, the staffer will go out to the facility after 30 days to see if they have instituted a recycling program, and to hopefully give a certification of appreciation for being compliant. If still not compliant, they will be sent to our enforcement staff for Phase III which is a notice of violation and the issuance of a penalty.

Mr. McDonald said a report will be generated quarterly and issued to Ms. Casapulla indicating the facilities that have been inspected and whether or not they are compliant.

Mr. McDonald was asked what types of facilities are inspected. He said multiple family units (3 or more), schools, government buildings, hospitals, and businesses. He said according to the DEP, residential facilities are to be inspected by the municipal coordinator.

### CORRESPONDENCE

- A. Tilcon New York Annual Recycling Tonnage
- B. Weldon Materials, Inc., Annual Recycling Tonnage
- C. Borough of Stanhope Notification of Exempt Recycling Activities
- D. Borough of Hopatcong Notification of Exempt Recycling Activities
- E. Byram Township Notification of Exempt Recycling Activities
- F. Updated Exempt Vegetative Recycling Centers Database 2010
- G. Monthly Grinnell Recycling Recovery Report
- H. DEP Certification of Solid Waste Management Plan Amendment
- I. Request for Reconsideration of Imposing Title V Air Permitting on the SCMUA

### OLD BUSINESS

Ms. Mensonides thanked Ms. Casapulla and Mr. Varro for taking the subcommittee on a tour of the landfill. She said that a subcommittee meeting was held right before this one and a report will be given next week. One thing she did report on was the name of the subcommittee - the SWAGERS - Solid Waste Advisory Group for Environmental Resources.

### NEW BUSINESS

- A. Letter of appreciation and thanks for member at-large, Dick Plog

A letter of appreciation for Mr. Plog was distributed to the committee in their mailing. Chairman Landrith asked if anyone had any questions or comments. A motion was made by Mr. Howard to send the letter to Mr. Plog. It was seconded by Mr. Kelly and carried.

Chairman Landrith introduced a new member to SWAC - Bob Smith of Andover Township. Chairman Landrith asked Mr. Smith to give his contact information to the secretary and the meeting dates, bylaws and the Solid Waste Management Plan will be sent to him.

Mr. Powell raised a question regarding the landfill. He said the people in Sparta asked him to ask about alternatives for handling solid waste within the County and then getting it out of the County if another cell in the landfill can't be built. Ms. Mensonides

said that is what the SWAGERS are meeting about, and they will be giving a report on that soon.

Mr. Varro added that at this point in time SCMUA is looking for an increase back to the tonnages that have been seen in prior years. He thinks right now SCMUA is on target and that's why a subcommittee has been formed and we are investigating different alternatives.

Mr. Esenlohr was asked by his township committee about the impact on each municipality if SCMUA landfill debt service shortfall is allocated through the County budget. He said this information was given out at a league meeting, but it seems few people know about it. He said Green Township is down for \$67,080 as impact on the shortfall. Someone said this is significantly more than \$3.00 per household. Mr. Esenlohr said Vernon takes an even a bigger beating - \$382,688. Mr. Snyder said \$3.00 was only the rough number based on the increase of approximately \$36.00 per ton of household waste. He said flow control is a user fee as opposed to a tax on those that don't generate anything. Mr. Snyder said the County guaranteed the debt service for the bonds; in the event we're not able to pick up the \$3 million, the options were either flow control or do it as part of a general tax on the general taxpayer. Flow control was recommended by this Council and the Freeholders accepted that recommendation. Mr. Esenlohr asked what happens if there is a miracle and the state sends the money. Mr. Snyder said then the tip fees that we are talking about would not have to be instituted. Mr. Esenlohr said the hauler in Green Township takes quite a bit of trash to Warren County because it's more convenient because of the time the landfill closes. He said if the state gives us some money, flow control won't be needed, and the hauler can continue going to Warren County. Mr. Snyder said we can't count on getting money from the State; but if we do it will be much cheaper for everyone concerned. .

Mr. Esenlohr raised a concern about things like this appearing. He said Mr. Eskilson evidently presented this at a league meeting and he thinks this committee is left out of the loop in many cases. Mr. Snyder said all municipalities are encouraged to attend a League of Municipalities Meeting. He said if a town is not represented there and someone has questions related to solid waste, please call this office. Mr. Snyder said none of you are out of the loop; if you or your municipality has any questions, please call.

### OPEN TO PUBLIC

None

**ADJOURNMENT**

There was no further business to be discussed at this time and a motion was made by Mr. Doyle to adjourn. The motion was seconded by Ms. Mensonides and carried. Meeting adjourned at 8:10 p.m.