



DIVISION OF PLANNING
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County of Sussex

SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE

MINUTES

MARCH 10, 2009

The meeting was called to order at 7:31 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
Township
William Koellhoffer, Byram Township
Allan Esenlohr, Green Township
Chris Kelly, Hamburg Borough
William Sanford, Hampton Township
Howard Baker, Hopatcong Borough
Ken Jaekel, Newton
Jo-Ann Williamson, Sandyston Township
Eric Powell, Sparta Township
Dick Plog, At-Large

MEMBERS EXCUSED:

John Armeno, At-Large
Edith McGrath, Lafayette Township
Katherine Little, Sussex Borough

STAFF PRESENT:

John Eskilson, County Administrator
Eric Snyder, Planning Director
Reenee Casapulla, Recycling Coordinator
Jim McDonald, Health Department
Tom Varro, SCMUA
Neal Leitner, Program Manager
Susan Heintz, Recording Secretary

ALSO PRESENT:

John Hatzelis, Administrator, SCMUA
James Sparnon, Solid Waste Superintendent

MINUTES:

A motion was made by Howard Baker to approve the minutes of February 10, 2009. Motion was seconded by Alan Esenlohr, who then raised a question. Who gets these minutes besides this committee? Mr. Esenlohr said that poignant comments made during the meeting are never included in the minutes and he thinks they should be. Chairman Landrith then said this was his opportunity to make additions, but Mr. Esenlohr didn't have any additions, just an objection - he would like his comments included in the future. He said he's disturbed that the minutes don't really reflect what goes on here. Eric Snyder responded by saying we'll endeavor to do a better job. John Eskilson gave a word of caution - he said he wouldn't leave it to the staff to determine which comments are relevant and also cautions going down the road of a verbatim transcript of a meeting. It's not what minutes are intended to be and somehow someone will have to sort out what are the relevant comments and what needs to be included because it's not fair to ask staff to do that. Mr. Esenlohr then asked what we do here. Eric Snyder said we have two new people here who have not had the opportunity to really learn Solid Waste all that thoroughly. Since he and Herb are going to be at the meetings in the future, the staff will do a better job sorting things out. Chris Kelly then said that that's the point of this portion of the meeting - if you have additions, if you said something that you feel is relevant that wasn't included, now is the time to say I have additions to the minutes, prior to adoption. Mr. Esenlohr said he didn't feel it's his obligation to keep the minutes so that he can remember what he said last month to put in this month.

Regarding the February minutes, Mr. Hatzelis had a few editing changes. On page 3, Environmental & Public Health Services Update, the term adoptive recycling regulations should read adopting recycling regulations. Also, in the same paragraph, when talking about staff, the word should read enforcement, not reinforcement. On page 4, in the paragraph mentioning Ross Hull's discussion, it should read waste flow, not waste water. A motion was made by Howard Baker to approve the minutes of February 10, 2009 as corrected. It was seconded by Allan Esenlohr and carried.

REPORTS:

A. SCMUA Update - Tom Varro reported on the monthly tonnages and revenues. Through the 1st quarter (December 1st through February 28th), SCMUA had a total of 19,718 tons into the facility. In comparison to the same time period in 2008, this is a 10.3% decrease in tonnage. The average tip fee has decreased slightly from last year. SCMUA will be checking into some numbers and will report back to SWAC. However, what has been noted all along is that most of the tonnage loss is due to ID13.

B. Environmental & Public Health Services Update - Jim McDonald reported that in February 2009 a request was made to all field inspectors to perform five recycling sur-

veys each and have them done by April 1st. That information will be reported at next month's meeting. He also said that on March 25, 2009 staff will attend a DEP/Solid Waste Forum in Somerset County.

C. Recycling Coordinator - At the last meeting, Reenee Casapulla had talked about the Electronics Recycling Program for the SCMUA and for Sussex County, and the fact that we do not have a contract with a vendor for those electronics. Thirty eight proposal requests were sent out; SCMUA has received seven back. Based on those proposals and using 2008 tonnage figures, an estimate was made as to how much the program will possibly cost in 2009. The cost in 2008 for having the E-waste recycling program was \$5500. The quotes ranged from \$2500 per event to \$22,000 per event. Last year SCMUA paid \$300 per event. For collection between events, the quotes ranged from \$15,000 to \$115,000. The proposals were reviewed in depth and recommendations were given to the Commissioners. Based on their meeting, a company called Supreme Recycling was selected. This company was an authorized vendor at the SCMUA about three years ago. They did not have the lowest price, but they had the most responsible pricing package as it represented, most accurately, what SCMUA would actually be dealing with. Based on their proposed costs for the events and collection between events, SCMUA reduced the number of free collection programs, from four to two. Reenee passed out a copy of the 2009 Electronics Recycling Events because of the change in the free events. The number of items residents will be allowed to bring for free has also been reduced, from 10 to five. SCMUA expects the Electronics Recycling Program for 2009 to cost at least \$25,000.

Reenee reported that they had a tonnage grant workshop for recycling coordinators. A couple of the things touched on were the big changes this year from the submission requirements for the recycling tonnage reports to the DEP. Touching on one, she indicated that the state is requiring, as of April 2008, every ton of solid waste that was brought through the state or generated in the state had a \$3.00 per ton tax charge associated with it. The reasoning being that, at the end of the first year of the program and every year after, towns would be able to receive some of the tax back. They would receive at least however much they spent or paid out on this recycling enhancement tax. So what is attached to the tonnage grant program this year is a tax certification form. The DEP is requiring towns to certify how much they actually spent on the program for 2008 (April 1, 2008 to Dec 31, 2008). For some towns this is a chance to get some money back into their program. The money does have to go back into recycling. But what the coordinators noticed when they talked among themselves was that some of the money to be returned to towns was dependent on the town spending money to collect and/or transport materials to be recycled. In Sussex County, three towns do their own collection and should be able to realize all the funding back. Eight towns contract with the hauler and would rely on the hauler to provide for them some sort of dollar figure. The state does not want tonnage figures, they want dollar figures. For the rest of the towns she was not sure how they can show anything, because they can't prove that they actually expended money specifically for recycling. So this is a fairly new idea. This pro-

gram was supposed to bring recycling funding into towns on a municipal level and Sussex County as this point for 2008 will not be able to realize that for a majority of their towns.

Eleanor Mensonides asked if the fee charged was on recycling tonnage only. Reenee indicated that it is for solid waste. It is a form attached to the recycling tonnage grant. Eleanor asked why they would not be able to get the funding. Reenee responded that they have to have already spent it and certify that they have spent it. Eleanor then asked if this would not be just waste that was individually collected and attributed from the municipality from the tax paying homeowner. Reenee said this was correct and that it has to be a municipal expense that is reimbursed.

Reenee then went on to the next item – that every year she does an annual recycling survey. She sends it to municipal coordinators and it has a list of questions as to their programs from the previous year. She would like to have this question included in her questionnaire so we can update the chart and possibly update it for the Plan. Howard Baker stated that Hopatcong has handled recycling for many years and they are at the point of discontinuing municipal support for businesses, so in a sense the amount they spend on it will go down because they're going to have fewer tons collected and consequently the amount of tax collected will also drop. Reenee said it would probably be difficult for the town to track those tonnages. Right now it's easy for Hopatcong to track what spend through your municipal collection. Baker – so if the tonnage can be tracked through the private haulers that businesses use.....Reenee said then it is reported. Mr. Baker asked when the town finds that tonnage; they have the privilege of paying the \$3 a ton? Reenee said we only paid \$3 on solid waste; there are two separate things – the solid waste that's generated and the recycling that's diverted. There are two separate funding sources, potential funding sources for each municipality. Mr. Baker asked if one would have to capture both the recycled tonnage for the businesses as well as their solid waste tonnages. Reenee noted that would be true only if a town expended the tax funding themselves directly. If Hopatcong, were to decide they would pay \$3 a ton for the solid waste that those businesses generate, they would be costing the town money as they do not get it all back. Eleanor Mensonides asked if it was regular garbage or recycling. Mr. Baker replied that it was both. Jim McDonald asked if town A has 10,000 tons, \$3 a ton, that's \$30,000; now they need to show that in the budget they spent \$30,000 on solid waste? Whether it's their staff going around picking up garbage or maintenance on vehicles? John Hatzelis said disposal only and have the weigh tickets that show they paid. The discussion continued between Jim McDonald, John Hatzelis, Reenee Casapulla, Tom Varro and Eleanor Mensonides who concluded that the costs of collecting and disposing had to be verified, that no one is ready with a process to do this, and that if you do not spend the money you do not receive funds from the tax. For example Lafayette does not pay disposal fees. The DEP recommends that the CFO of the town is the one to sign the certification.

Reenee then said there is a last kicker - it's a two year delay - right now, for 2009, the towns are only reimbursed for 2007 tons that they have generated. Those reports have already been submitted. So at this point, DEP is looking to not pay this until 2010. Eleanor Mensonides said "That's insane." Reenee said she would provide phone numbers of DEP people who need to hear from you if you have any opinions on this. She will also provide e-mail addresses. Howard Baker said that one can throw more stuff away and pay the tax on it and get more support for your recycling program. Throw less stuff away and to heck with the recycling program. All agreed. Eleanor said that they should get a letter going and also include our legislators there's no incentive to do anything. Reenee recommended speaking with the DEP liaison. There is very little written on this. Jo-Ann Williamson asked what happens to the money. Obviously thousands of dollars are paid in the \$3 by people where there are no programs run by the town. So there's going to be lots of money out there. Does that get dispersed back to only those people that participate? Or does it go into the state of New Jersey? Reenee said that they've sunsetted two grant programs, and this program will cover those programs that they cancelled. One was the solid waste services tax and the other is the recycling tonnage grant program. So now the Recycling Enhancement Act is supporting those two programs also. Sixty percent is supposed to go back to municipalities for recycling programs; 20 percent to counties; 5 percent to educational purposes where colleges to do research...and there is a part that goes back to the state for administrative costs. Eleanor stated that there is no incentive to do anything but throw it away. Allan Esenlohr said we make legislators aware of this and we should do it tomorrow. Eleanor wanted to create an awareness in the community. On one hand they're telling us to recycle, on the other they've taken away two funding mechanisms for the county which is a major part of our operations and also for anyone generating waste, it used to be about reducing waste and bringing up recycling numbers. Now if a town does not have a municipal contract with a hauler, it's penalized. Everything used to be about tonnage, now it's about dollars. And unused dollars are not accounted for, perhaps going to Camden. Allan Esenlohr noted that that's all the more reason why we need a letter. We need to respond to this to our people in Trenton. John Eskilson said the letter should be from the group to recommend to the freeholders. Allan Esenlohr moved that Eric Snyder write the letter to our freeholder board. John Eskilson said that if a resolution was drafted pointing out the absurdity with the respect to generating garbage he was quite confident the freeholders would get on board with that quite quickly and distribute to state legislators and other people who might have interest. Howard Baker thought that if the same incentive occurs for even the big cities, it's madness at all levels. The DEP is trying to take solid waste disposal and have it support recycling programs. Chairman Jim Landrith noted that it works both ways. He gets his news over the internet, and so does not recycle newspapers, so it reduces recycling. On the other hand, it accomplishes the objective to keep the stuff out of the landfill but the town gets no credit for it. Eleanor seconded the motion and John Eskilson said that if he had it by Friday, by next agenda, he would get that on for a look-see.

Reenee Casapulla noted that she is still tracking the Municipal Solid Waste Ordinances that every town is required to update. The DEP will need a list of all towns that have updated their Ordinances in order to issue funding. At this point five towns have adopted their new ordinances - Hopatcong, Ogdensburg, Newton, Sandyston and Walpack. The other towns are moving along and she will contact their recycling coordinators within the next month.

D. Planning Director/Program Manager - Eric Snyder gave a general report on the County's solid waste recycling. When the Plans were first adopted in 1974/75, , recycling was much simpler. Now things are much more complex. Therefore, since the last meeting, a working group has been put together, consisting of John Eskilson, John Hatzelis, Herb Yardley and Eric. The purpose of this group is to take a general look at all issues regarding solid waste collection, who is involved with recycling and who is involved with every other facet of it, so a cohesive plan can be developed. There has only been one meeting so far, but that's the objective of this group. Eric also reported that Dennis McConnell has been talking to Grinnell in regard to the contract. Those discussions continue, but there is nothing to report at this time.

Neal Leitner gave a follow-up report on the review of the Solid Waste Master Plan. At the last meeting, staff was asked to look in the SWMP to see if the 50-100 inspections were a required part of the Plan. The Plan doesn't require 50-100. There is one paragraph on page 6 of the Plan which reads: the County will devote more man hours to recycling compliance. The Sussex County Department of Environmental and Public Health Services estimates being able to perform inspections of all solid waste facilities annually, a sample of schools and eating establishments annually, and focus on other commercial establishments as complaints arise or as requested by SCMUA, municipalities or the Planning Division.

E. State Liaison - no report

CORRESPONDENCE:

A. Letter to Grinnell from SWAC re: adherence to the three party contract - John Hatzelis said he has received a copy of the letter that was sent to Grinnell; however, SCMUA has not yet received any reports from Grinnell. Neal Leitner received the February 2009 report from Grinnell, but it did not come in time to be on tonight's agenda, therefore it will be reported on at next month's meeting. It has not been sent out to the committee because it is so thick. One idea is to send out just the Sussex County pages; another idea is to continue as before where it is listed under Correspondence and is talked about at the monthly meeting. John Eskilson asked if it can possibly be scanned and in our correspondence point to a link and put the link on our website. Eric Snyder said that that was a good idea. Regarding the numbers for Sussex County, Neal reported that 1.92 tons from Sparta Township went to the Keystone Sanitary Landfill.

John Hatzelis said there is a summary page on the top of the report - approximately 1500 tons collected; 5.5 were from Sussex County.

B. MUA Tonnage Report - Dick Plog raised a question on the Monthly Solid Waste Revenue and Appropriation Report. He asked if the time period reported was for one month or two months. John Hatzelis said that this time it was for December 2008 and January 2009, but typically the reports reflect one month's numbers.

C. Lafayette letter to MUA - Allan Esenlohr spoke about the letter from Lafayette to John Hatzelis entitled Meeting Follow-up Host Community Benefits. Mr. Esenlohr said after flow control it talks about out of county waste which concerns him. They said here that that wasn't going to happen. John Eskilson responded that the MUA had their commissioners look at all options available for enhanced revenue and that certainly was one of them. The MUA, staff and commissioners are simply following through on what they were asked to analyze, that being all other options for revenue enhancement to potentially make up the budget shortfall. It doesn't mean that the Board or the County supports that; it doesn't mean we're pushing in that direction; it means it's an option and we'd like to see it analyzed and what, if any, are the consequences. Mr. Esenlohr then asked if the commissioners are aware of all that's going on here. John Hatzelis then said that yes, at every meeting we discuss solid waste and waste water. Mr. Esenlohr said he thinks the commissioners should be more anxious to do something about this than we are. He wants to know if there is any progress at these meetings. Mr. Hatzelis said there is progress from the standpoint that we discuss the issue. Anything with regard to flow control or out of county waste would require an amendment to the SWMP. Mr. Esenlohr then asked how about extending the life of the landfill? Is that discussed? Mr. Hatzelis said as a matter of fact we're working on a report right now about long term options as well as liabilities associated with those options. Mr. Esenlohr said maybe I'm not getting the whole picture, but here we talked about methane and cogeneration. We're still burning the methane off, right? Mr. Hatzelis said that's correct. Mr. Esenlohr then asked what we are doing about cogeneration. Mr. Hatzelis stated it's not cogeneration we're looking at, generating electricity of landfill to energy....Mr. Esenlohr said that's what cogeneration is. Mr. Hatzelis said cogeneration really is that you would do that and at the same time you would use the heat for some other use. Mr. Hatzelis then turned to Tom Varro for a quick overview. Mr. Varro said we advertised for proposals in November 2008. A total of nine responses were received and were opened on January 9. There is a review committee who have gone through the proposals and ranked them in accordance with the point criteria that have been established. The review committee has made a recommendation and the list has been narrowed to four. Right now SCMUA has asked for additional clarification from those four and then next more in depth phase will begin. Mr. Esenlohr asked if this will continue after the landfill closes. Mr. Varro's answer was that's correct. Mr. Esenlohr said that he got the impression that 2016 was a magical number for the landfill. Mr. Varro said, no, even if the landfill closes in 2016, and they ceased operations, the landfill will be capped and would still be generating landfill gas, including methane. Therefore,

project developers are looking for long term leases in the area of 15-20 years in order to get a return on their investment and pay us along the way. It's been structured so we're renting them space on our land for their power facility, as part of the revenue for the project, and the second portion is the sale of the gas for electricity. Mostly likely we're looking for a facility around 3 megawatts. Mr. Esenlohr said that sounded this sounds great and we should've been doing this a lot earlier. Mr. Varro said he thinks we've moved ahead with due diligence along the way. They needed to have a permanent enclosed flare in place that would act as the backup to the landfill gas to energy facility. That was recently completed in July. They went out to bid in November. John Hatzelis pointed out that they had been selling the gas for a number of years to Lafayette Energy Partners, but they can't handle the amount of gas that is now being produced. Mr. Esenlohr then asked is there anything that is going to be done about this approximately \$10,000 a month loss. Are there any proposals to do anything? Mr. Esenlohr is not in favor of taking more business to fill up the landfill quicker. He said when you're short, you do something about it. When you can't pay the bill at the end of the month you think about something you can do to alleviate it until times get better. John Eskilson there are two sides to fix that problem - the revenue side of the ledger and the appropriations side of the ledger. The appropriations side is largely filled with fixed cost; there is no flexibility. What do you do on the revenue side? Most of the revenue is solid waste coming into the facility. So how do you generate more revenue? And as to the Freeholders asking for all options, including the very unpopular issue of host community benefits, there's a reason Lafayette has those host benefits over and above what the state requires. That's on the appropriations side of the ledger. Is that legitimate discussion? John Hatzelis said to remember that the letter was written from Lafayette's vantage point. Mr. Esenlohr then asked if we are making any progress towards solving the problem, aside from taking out of county garbage. Mr. Hatzelis said we're looking at out of county waste as a potential, but I don't think anybody is enthusiastic about it. We're looking about the possibility of flow control, which may be a necessary evil. Also, there is a possibility of closing down on Saturday, although Saturday is the most popular day with residents. So, there is a problem between public relations and revenue. Saturday is the most cost effective, but not necessarily the most popular. John Eskilson then said it appears everything is pointing toward flow control. He said if you want to use the business analogy, flow control re-establishes the monopoly in Sussex County. The industry can raise the price as high as they want and the user is going to pay it. It doesn't appear that the other options will point toward a long term solution. Mr. Esenlohr then said he just wanted everyone to remember what landfill siting takes, and what the cost is, not only in dollars, but to the emotional stability of the community. That is something we want to avoid for as long as we can. Hopefully somebody will come up with a wonderful idea on what to do with this, but that's not likely to happen.

D. DEP letter to Grinnell - no discussion

OLD BUSINESS:

A. Avian Flu Discussion - Eric Snyder said that he and Herb Yardley talked about this and it currently is a dead issue. The DEP's response is to bury them on site. Therefore, there is nothing further for us to do. Eleanor Mensorides wanted to know if Herb has a letter stating that so we can keep it on file.

B. Define the "Conditions of Approval" for recycling facilities - Chairman Landrith said this concerns the duty of SWAC to make recommendations for inclusion of recyclers into the Plan. In the County Plan, it states SWAC will discuss comments, recommendations of the public, the host municipality, County Planning Board, County Counsel, Sussex County Division of Health, and other agencies. Mr. Landrith said he notices the host municipality is the only municipality that is named in there and he hopes that this is exclusive because adjacent communities have just as much at stake. He felt that in order to make sure this is complete, the next time the Plan is amended, SWAC should include adjacent communities, especially if the host community is located on the county border. Eric Snyder said the County is probably covered on that, but it wouldn't hurt to make it more clear.

C. Revisions to SWAC by-laws - Chairman Landrith made the report on behalf of the committee. He said things are in discussion. They've gotten some excellent input regarding updating the by-laws to meet our County Plan. Chairman Landrith said a report of the recommendations will be given next month.

OPEN TO PUBLIC:

No public present.

ADJOURNMENT:

There was no further business to be discussed at this time and a motion was made by Eleanor Mensorides to adjourn. The motion was seconded by Howard Baker and carried. Meeting adjourned at 8:34 p.m.