



County of Sussex

DEPARTMENT OF ENGINEERING AND
PLANNING
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Eric K. Snyder, AICP, PP
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SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE

MINUTES

APRIL 14, 2009

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
Township
John Armeno, At-Large
Jason Cofrancesco, At-Large
William Koellhoffer, Byram Township
Richard Pumphrey, Frankford Township
Jason Doyle, Franklin Borough
Allan Esenlohr, Green Township
William Sanford, Hampton Township
Robert Schultz, Hardyston Township
Howard Baker, Hopatcong Borough
Edith McGrath, Lafayette Township
Jo-Ann Williamson, Sandyston Township
Keith Whitehead, Stillwater Township
Katherine Little, Sussex Borough
Dick Plog, At-Large

STAFF PRESENT:

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:

Phillip Crabb, Freeholder
John Eskilson, County Administrator
John Hatzelis, Administrator, SCMUA
James Sparnon, Solid Waste Superintendent
Rich Zeoli, Byram Resident

MINUTES

A motion was made by Mr. Esenlohr to approve the minutes of March 10, 2009. He then said they were considerably better than they have been. It was seconded by Jason Doyle and carried. All were in favor.

REPORTS

A. SCMUA Update - Tom Varro reported on the monthly tonnages and revenues. From December 1 to April 11, SCMUA had a total of 29,503 tons into the facility. This represents an 11.5% drop from the same period in 2008. This is the greatest drop off this year. This number will vary, but a double digit loss is not a good sign. Tip fee is more positive - it's the highest it's been this year - \$81.13. That is a blended rate for all the inbound solid waste materials into our facility. While that is good news, even with the increased tip fee, the reduced tonnage still moves us toward an FY 2009 budget deficit. We have both discretionary and nondiscretionary items in our budget. The major non-discretionary item is debt service. We have projected a \$1.8 million shortfall; the reduced tonnage is only going to increase the shortfall. That \$1.8 million was allowing for state funding. State funding was reduced last year and we expect further reductions this year. SCMUA and the County have been actively exploring alternatives to close this gap.

B. Environmental & Public Health Services Update - Jim McDonald reported that last month the request was made to field inspectors to do five recycling surveys. A total of 60 recycling surveys were done last month. Two pieces of correspondence have gone out; one to the MUA and one to Grinnell reminding them of the requirement of the DEP that all commercial vehicles disposing of solid waste into their facility need to be registered. The department performed 30 small hauler interviews during the 1st quarter. Six members of the department attended the NJDEP Solid Waste Forum. Topics ranged from solid waste regulations, medical waste, small hauler interviews, closed landfill inspections, truck checks and container inspection forms. The department has established projects for this upcoming month to investigate approximately 15 tire dumps in the County which were first investigated years ago when West Nile was a major topic. Fifty container inspections will be done and the department will also inspect the Class B recycling facilities.

Chairman Landrith asked about recycling tires. Mr. McDonald was not sure there was such a program. He mentioned a septic system that he was aware of where the material would be shredded and used as gravel in a system, but he's not aware of any being used

in Sussex County. He also stated that a fee is charged for every tire that is disposed of. This fee used to come back to the County, but now goes to the state.

C. Recycling Coordinator - Reenee Casapulla reminded the Committee of the free Electronics Recycling Day scheduled on May 16. The 2nd Annual Boat Shrink Wrap Program will now include Hopatcong and goes from March 30 to June 30. SCMUA Earth Day is scheduled on April 22 from 10-2. This is mainly an educational program; local schools have been invited, and it is also open to the public. At the last meeting, Reenee reported on municipal ordinances. Four more municipalities have adopted their ordinances: Hamburg, Ogdensburg, Stillwater and Wantage. Reenee is also pleased to report that the SCMUA recently won a Chamber Business Partnership Award for our shredding program. Finally, the SCMUA is going to begin an e-bulletin to get the word out more often and in more ways for our various recycling programs and programs throughout the County. Lists will be set up for group emails such as SWAC, DEP, Municipal Clerks, schools and other groups that are suggested.

D. Program Manager - will be done as part of the Director's Report

E. State Liaison - no report

DIRECTORS REPORT

Eric Snyder reported on the Conditions of Approval for Recycling Facilities. It was an issue brought up at last month's meeting in regard to a notice being sent to adjacent municipalities. It is now poorly referred to in the current bylaws; when an update is done, that issue will be taken care of. Another topic Mr. Snyder reported on was the recurring shortfall at the landfill, mentioned in Mr. Varro's report. When the landfill originally was established, it was established under the terms of flow control where the County controlled all solid waste going into the landfill and set its fees to accommodate all of the expenses necessary to carry it, including debt service. Since that time in 1996 the Supreme Court ruled that flow control was unconstitutional, but has recently issued another ruling finding that direction of wastes to a publically owned landfill is constitutional.

At the same time, we're looking at the potential of a \$2 million shortfall in stranded debt payments that the state has generally been willing to give us. But as Mr. Varro pointed out, they gave us less last year and will probably do the same this year. What the County needs to do is to find a way to cover the cost of the landfill. In the event of an inability by the SCMUA to make its debt payments, the County would be responsible to make payment on those bonds. Chairman Landrith has provided information from past meetings of options to flow control that were discussed a few years ago. The fact is it appears that flow control is the answer to being able to deal with the issue. It's the way the landfill was originally established, and we should go back to doing it that way. The State of NJ is willing to accept amendments to reinstate flow control. That discussion needs to be done quickly as the deficit continues to grow. Tonight we open that discussion. If this group is

willing, the staff will come up with a proposal. We don't know if the state will agree to it or not; we don't know if we have all the authority we need, but we need to do something.

At worst, as pointed by Mr. Hatzelis in this afternoon's County Manager's meeting, we will have done the very best we can. We ask that you take this information back to your governing bodies and make them aware of how urgent this is. The impact will vary. The municipalities that already have a contract that directs wastes to the landfill will be less affected than the municipalities that do not. Those who generate waste will be affected in different ways. If we are not able to deal with the shortfall simply by bringing all of Sussex County's waste to the landfill, then the fees will have to go up. That needs to be understood up front.

Mr. Snyder informed the committee that the staff is going to begin to work with the MUA to put together a proposal that will reauthorize flow control; therefore a discussion needs to begin as to whether this committee wishes to recommend it to the Board of Chosen Freeholders. Mr. Armeno asked Mr. Hatzelis about a report of the municipalities that are not coming to Sussex County and, if they do come to Sussex County, how that would impact the MUA. A few meetings back Mr. Hatzelis provided information on which municipalities were staying in County and which were going out of County based on 2006 numbers. The out of county 2007 data is now available and it is fairly consistent with 2006 numbers. More than 90% of the Sussex County waste is staying in Sussex County. Some of the southern municipalities have the largest percentage of out of county rates.

Mr. Eskilson then said that those municipalities coming to Sussex County would bring about \$500,000 to \$800,000 additional revenue; so it doesn't close the entire gap. He believes that in order to close the \$2 million gap you need approximately \$15-\$20 a ton increase in tip fees. That number could widen depending on the flow control issue. Mr. Hatzelis said we're looking at a tip fee that averages about \$80 a ton now, but going back up to about \$100. He also said that it was brought to the attention of SWAC that when you go for out of county waste you need to attract them with a lower tip fee; and basically, Sussex County residents would be subsidizing out of county waste.

Chairman Landrith wanted to expand on the economic situation and said that all the alternatives we worked on 10 years ago are things we can't do today. There is not enough life in the landfill to sell it or rent it. Therefore, he thinks the citizens are going to see an increase in tip fees. Chairman Landrith believes the state average in Sussex County is that each individual generates 1 ton. That's only \$20 a year; pennies a day. The only alternative to that is to increase taxes by the same amount. Those numbers, according to Chairman Landrith are pertinent and the public needs to be informed about what we are doing. Twenty dollars does not sound that bad, based on 360 days a year.

Mr. Hatzelis said that although he doesn't disagree with that statement, he doesn't have to run every November and get enough votes to get into office; therefore, that is the difference between his perspective and someone else's. Twenty dollars doesn't sound that bad,

but going back 10 years, we had solid waste and recycling and we had a bundled tip fee that covered everything. We can't just keep increasing the tip fee. We need to think not only about this year, but we have to go into 2017. Mr. Eskilson then questioned the mentioning of the nice round number of \$20 a ton. That was a rather quick informal calculation, but staff really needs to provide a detailed analysis of closing that gap and what it would take to get there. Mr. Schultz is actually looking at that scenario differently. He is looking at a 25 to 30% increase in tipping fees that will affect all budgets, even current contracts, so \$20 sounds pretty but it's not reality.

Mr. Wright then raised a question about the Court decision. How does it differ from what we had before? Mr. Snyder said the Court decision basically turned on whether it was a public or private landfill. The original decision was based on the public entity directing solid waste to a privately owned landfill. The Supreme Court at the time said that it was not constitutional for a public entity to direct all wastes to a privately owned landfill. Recently the Supreme Court upheld the directing of all solid waste to a publically owned landfill.

Chairman Landrith asked Mr. Snyder if we had any information on the two counties in New York about how they got through the federal requirements. Mr. Snyder said there was a lawsuit that went all the way up to the U.S. Supreme Court. The issue was they directed all waste to go to the local landfill. Mr. Esenlohr said that he has the impression that no one knows if the state is going to give any money to us or not. Is that correct? Mr. Snyder said that at this point the state is talking about cutting back everything. Therefore, prudent budgeting suggests that we look at the worst case. Mr. Eskilson said that the state will not tell us whether or not they're going to pay us until the debt is due. Just to give another idea into the situation, Mr. Hatzelis said the state budgeted \$30 million at the beginning of the year for stranded debt or County solid waste facilities assistance and that has been cut right in half. Mr. Esenlohr said he understands that, but he was here when the state said you must have a landfill. How many counties don't have them? We went ahead and did our job. It's disturbing to know that we're rewarded for burying garbage instead of doing the opposite. We ought to worry about not burying garbage. Mr. Esenlohr stated that at a previous meeting Mr. Hatzelis said that if you don't bury a ton you save about \$50. Fifty and twenty equals seventy and lengthens the life of the landfill. Mr. Esenlohr would not want to be a Freeholder in this County when another landfill decision is made. He doesn't believe people when they say there will never be another landfill; we're going to ship it all to Montana. We ought to consider other possibilities. Mr. Snyder said that's right and that's why #5 of this agenda, 2016, how we deal with solid waste now and in the future looms large. What we're trying to do is set it up so that the landfill is self-sufficient until the debt service is paid off. That was the original objective.

Mr. Schultz asked Mr. Hatzelis if this decrease extends the life of the landfill. Mr. Hatzelis states that 2017 is a good number with reasonable tonnage projections. Mr. Varro said that when we originally looked at 2016 it was based on 2% increases per year and that was based off of 120,000 tons which was one of our higher years. Therefore, he says there is a

lot of room in there, and when we see these lower years that just means we're extending out further. If the economy turns, we're likely to start to catch up on that. He thinks we won't have a problem with the debt of the facility. If we make it beyond that point we can start taking the money and pay to close the facility because right now there are other shortfalls. Mr. Schultz asked if the methane program is going to offset any revenues. Will the fees be adjusted if we're going to get a good revenue from that. Mr. Hatzelis said yes. Ms. Mensonides stated that if we have flow control coming back in, some of the waste coming in would go out again as recycling, right? Mr. Hatzelis said that's correct. So your revenues will still be there, but not everything is going to go in the landfill. Mr. Hatzelis said yes, we pull out things like tires, metals. Ms. Mensonides said there will be some conservation of space then and you still get your revenues. That's the important part. Mr. Esenlohr wanted some clarification. He asked about pulling the metal and tires out. When Blue Diamond comes in, there is metal and tires in there? Mr. Hatzelis said why not. Mr. Esenlohr said I thought there was a big recycling program? They're not supposed to be picking up tires. They don't pick up tires in his town. Sometimes there are water heaters in there too. But they're not supposed to put them in there. Mr. Hatzelis said there is nothing to prohibit them from putting them in there. Mr. Esenlohr said there ought to be. Mr. Hatzelis said there isn't. Mr. Esenlohr then said let's do something about that. Chairman Landrith asked if Mr. Esenlohr was suggesting enforcement. Mr. Esenlohr said absolutely. Mr. Hatzelis suggested a look at the Solid Waste Management Plan and there is nothing in there that prohibits those items from being landfilled. Mr. Esenlohr asked if you can say to them that you can't do that. Mr. Hatzelis said no; it's a classification of solid waste. Mr. Snyder said we would do that here. Mr. Eskilson you could put it in the Plan but there is nothing to enforce. They are things to be recycled. Mr. Eskilson said it's an important to the life of the landfill, but the debt costs are fixed. If no garbage goes in, or a thousand tons goes, the debt costs are fixed and must be paid. How we are going to do that is what's in front of the committee right now. Mr. Esenlohr stated that he knew everyone in the room understood the debt issue, but when an item like this is mentioned it ought to be discussed. Chairman Landrith said we have item #5 for discussing that and we will get into it at that time, but right now we have immediate problem of funding.

Mr. Schultz said he would like to look at the \$3.00 a ton tax. He talked to Reenee about this, and doesn't understand the formula the state came up with for collecting all these funds when municipalities have no avenue to recoup the money. His suggestion is, since SCMUA can certify the numbers of solid waste coming in, there's your number, send them one bill. That couple of bucks is not going to help our town; you send it to SCMUA, then you have a lot of money. Mr. Schultz thinks our legislators should do an amendment or something of that sort to change the law. This should be top on our list of things to discuss.

Mr. Snyder asked if a motion could be made to get the staff to put together the information for a proposal to be made to this Board for flow control. The \$3.00 is something that could be used to offset the tipping fee. Mr. Schultz made that motion and Ms. Mensonides sec-

ended it. Ms. Casapulla recommended that you actually get a tally as to how many towns, because based on the Solid Waste Management Plan; right now it says there are 13 towns that would not be able to certify the \$3.00 a ton. Ms. Williamson asked the question of how are you going to enforce flow control. Mr. Hatzelis went back to 1996 when we had flow control; we are going to put it in the Solid Waste Management Plan as part of the amendment. Specifically, the last time we had an employee responsible to monitor haulers. According to Mr. Eskilson, this topic needs more discussion. The motion is not to implement flow control but to analyze it. At this point, Mr. Snyder said we need to get something to the Freeholders on which they can act. All were in favor of proceeding.

CORRESPONDENCE

A. Tilcon New York Inc. Annual Tonnage Report – Neal Leitner reported that Tilcon had sent their information of all the materials sent to Sussex County. Ms. Mensonides raised a question of some towns being referred to as in Sussex although they are not. Ms. Casapulla said she will mark those places and call them.

B. County Letter to Grinnell re: NJDEP Registration – Mr. Leitner mentioned that he received a letter from Herb Yardley about DEP enforcement of solid waste haulers. That letter and attachments were mailed to the Committee and there was no further discussion.

C. SCMUA Solid Waste Revenue and Appropriation Report – no further discussion

D. Grinnell Recycling February Tonnage Report – Mr. Leitner has some issues with some of the email sent out as PDF. He would like to scan just those pages that are pertinent to Sussex County.

OLD BUSINESS

A. Open Discussion re: 2016 Deadline – Chairman Landrith asked the committee - after closure, what do we do? He would like to have the committee's comments. Mr. Esenlohr said that what he experienced before was brutal. A quarter of a million dollars of taxpayers' money was spent. Lafayette finally got it because they had Hamm's landfill. Chairman Landrith then asked Ms. McGrath for her perspective on living in Lafayette. She said she moved to Lafayette from North Carolina, but lived most of her life in Randolph, NJ. At that time she often traveled through Lafayette to visit her daughter in Wantage. She knew the MUA was there and it didn't bother her. Now that she lives in that municipality, she feels it is a plus to have it there; although she wouldn't want to live right next door to it. Ms. McGrath feels the town council works well with the MUA. Chairman Landrith asked if she knows if Lafayette has plans after the closing. She has asked the town council, but hasn't gotten a good response.

Mr. Eskilson suggests that the staff begin to prepare a paper on the state of solid waste management across New Jersey and what other counties are doing. 2016 is not that far off,

so we need to find out now how the landfill issue is being handled around the state. Ms. Mensonides said that Mr. Hull is supposed to be providing materials on what is being done in other counties. Chairman Landrith said we should remind him.

Mr. Armeno asked if portion of our current landfill can be converted into a transfer station. Mr. Varro said there are a lot of different options available with our existing site and when we look around and see what others are doing. Mr. Schultz wants to know how the DEP feels about all this. Staff has been directed to investigate what other counties are doing.

Mr. Doyle then asked a question about the acreage needed for a new landfill. Mr. Varro said the active landfill is 54 ½ acres and there is about 271 acres for the entire area. Freeholder Crabb said that rules have changed from a few years ago i.e., nitrate dilution standard, COAH, so that will probably figure in as to what will be decided.

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 Mensonides to adjourn. The motion was seconded by and carried. Meeting adjourned at 8:45p.m.