

POR T & RESOURCE RECOVERY DEPARTMENT



2561 SOUTH BROADWAY
GREEN BAY, WI 54304

PHONE: (920) 492-4950 FAX: (920) 492-4957

DEAN R. HAEN

DIRECTOR

PROCEEDINGS OF THE BROWN COUNTY SOLID WASTE BOARD

A regular meeting was held on **Monday March 16, 2015**
Brown County Resource Recovery Facility, 2561 S Broadway, Green Bay, WI

1) Call to Order:

The meeting was called to order by Solid Waste Board Chair John Katers at 2:30pm

2) Roll Call:

Present: John Katers, Chair
Mark Vanden Busch, Vice-Chair
Norb Dantinne, Treasurer
Dave Landwehr
Bud Harris
Ken Pabich
Mike Van Lanen
Excused: Lisa Bauer-Lotto

Also Present: Dean Haen, Brown County
Chad Doverspike, Brown County
Mark Walter, Brown County
Chris Blan, Brown County
Craig Berndt – Allouez
Doug Schneider – Press Gazette

3) Approval/Modification – Meeting Agenda

A motion to approve meeting agenda was made by Norb Dantinne and seconded by Dave Landwehr. Unanimously approved.

4) Approval/Modification – Meeting Minutes of February 16, 2015

A motion to approve meeting minutes of February 16, 2015 was made by Bud Harris and seconded by Mark Van Den Busch. Unanimously approved.

5) Announcements/Communication

Mr. Dean Haen introduced Shelby Schraufnagel, clerk/typist II as the department's new staff member.

6) General Engineering RFP – Request for Approval

Mr. Chad Doverspike informed the board that every five years the department prepares an RFP for general engineering consulting service. RFP's, are typically brought to the Solid Waste Board beforehand, the specs are put together and consultants put together what their costs are for certain items that are listed inside the RFP. A five member review committee will interview & score the different consultants. Right now Foth is the county's general engineer, typically do air permitting, landfill troubleshooting, gas-to-energy, design for the transfer station, design for the recycling facility, annual report, and semiannual report, etc. The third page of the RFP talks about a tentative time frame. In order to meet our timeframe staff went to Planning & Development in February. The 5 year current time frame ends mid-April. Foth will extend their current prices until May once the new vendor gets hired.

The County Board meets Wednesday, March 18th, RFP should be on the street on March 19th, questions are due by March 31st, responses should come back on April 15 and between April 15th and May 8th will be the interviews. Mr. Doverspike pointed out that page 8 shows a typical work year for three or four different billing centers; it gives the vendor an idea of how many hours were billed in 2014 and maybe an indication for forthcoming years. Mr. Doverspike also explained the scoring methodology and how each vendor will be scored.

Mr. Ken Pabich asked about the proximity to Brown County scoring factor and why is it significant in transportation. Mr. Doverspike responded that this factor is 25 out of the 100 points. It is lumped together instead of making a sixth scoring category. Mr. Haen clarified that it is not based on distance to project but time based. He mentioned that it is wise to choose vendors close to Brown County.

Mr. Pabich mentioned that proximity of the staff is what should be looked. It should be made clear in the scoring rubric what is meant by proximity of the actual staff person's location.

Mr. John Katers asked if there is a ranking based on the experience of the firm in different aspects such as solid waste, land, air experience, etc. Mr. Doverspike acknowledged the ranking should be an order of importance between solid waste, landfill troubleshooting experience, air permit experience, architectural, etc.

A motion to approve General Engineering RFP was made by Dave Landwehr and seconded by Ken Pabich. Unanimously approved.

7) HHW Out-of-County Collection Program Memorandum of Understandings – Request for Approval

Mr. Haen gave an overview of the Out-of-County Collection Program Memorandum of Understandings. The Department is looking to redo the contracts with Winnebago, Outagamie and Calumet, renewing commitments to one another and renewing the contracts regarding Household Hazardous Waste. Last year an in-depth analysis of the costs was conducted and will be applied to all HHW partner MOUs and contracts. Part of the reason for the analysis was because of compliance with the 24 hour management requirement of the HHW resulting in the inability to allow for a backlog of HHW to build up or the Department would be faced with future notices of violation.

Mr. Chris Blan spoke more to this topic. He explained that they looked at the business rates, he assessed that all of the cost were incorporated in all of the rates and were recovery all of the costs, and he assessed the cost that it would take to manage these programs for out-of-county collection partners. Preparing for the shipment and recovering the cost of arriving back at our facility, unpacking of the vehicle. MOU for the base rate for Winnebago County increased by \$5,000, disposal price is based on actual quantities and disposal rates. Outagamie County changed from an hourly rate to more of a base rate format, their base rate went from \$4,000 to \$11,600. Last year one collection was done in Calumet County; this will increase this year to three collections events. From the assessment that was done last year, it is being managed this year that only one out-of-county service will be done on any given day. This is to insure that the permanent collection facility will maintain compliance, while still providing service to partner Counties.

Mr. Walter informed the board that the major issue with out-of-county collection was that two crews were being sent on the road and that became a strain on staffing.

Mr. Blan touched on the fact that occasionally someone else, an outside party, would have to be brought in to manage the recycling tip floor and to ensure that all areas were covered. Mr. Haen asked Mr. Blan to touch on Risk Management. Mr. Blan stated that Risk Management considers this to be a revenue generating contract. He informed the board that there are two types of contracts; revenue generating contract and an intergovernmental contract. An intergovernmental contract would have to go through a committee and be approved by the County Board and a revenue generating contract is more administrative and does not require these steps. Since this contract is considered a revenue generating contract it is not required to go through the committee and County Board. Mr. Haen added that it would come through the Solid Waste Board and bring it to Planning, Development and Transportation subcommittee (PDT) but would not have to be an action item for the County Board.

Mr. Norb Dantinne mentioned that someone should be at the PDT County Board meeting because this might be pulled out and questioned because of the intergovernmental agreement. Mr. Haen mentioned that he will be in attendance at these meetings.

Mr. Dave Landwehr asked a question about “underpricing”, under “unknown finger printing”. What is unknown fingerprinting and what does it have to do with Household Hazardous Waste? Mr. Blan explained that pH paper is used to test different pH levels. Testing for pH level is done to get a general idea of how that item is labeled. Normally HHW will not take anything that does not have a MSD sheet.

Mr. Harris asked what the insurance is on this. Mr. Haen explained that there is not a separate county liability policy. The county has its own broad coverage and that covers the department. Additionally, the Solid Waste Board has an environmental repair fund with a million dollars set aside as additional self-insurance policy. HHW does not require a separate insurance. Mr. Blan added that this was borrowed from the risk manager, if she needed to have a high dollar amount on any category, the only thing that would kick this in is if there was a higher volume that the government would care that we have, but we don't have that much volume. With an MOU it is stated that when a material is on the other counties site the liability is on their end. Mr. Haen

added that one thing that is being done this year in that regard is purchasing an enclosed trailer, so the material will be contained during transport..

Mr. Katers pointed out that item two mentions the counties educating their residents as part of the contract; he asked if the department is collaboratively working with these counties on the matter? Mr. Blan answered that yes, these counties are updating their yearly information pamphlet and running it by the Department to make sure that they are releasing the correct information and not sending things that HHW will not be able to handle. He stated that he and others in the Department educate them so they can educate their residents. Walter further explained that both Outagamie and Winnebago have our HHW website linked to their websites so their residents know where to go and can have their questions answered right there. The information that is already put together is distributed to their websites and their staff as well. This has been a big push the last few years, ensuring that there is consistency throughout all outlets and program

Mr. Blan mentioned that the only thing that is variable with the three counties are the agreements with them that their residents can use the Brown County facility without a direct cost to residents. There is a slight variation with what each county will allow their residents to bring it to Brown County HHW and that is the only real deviation.

A motion to approve HHW Out-of-County Collection Program Memorandum of Understandings was made by Norb Dantinne and seconded by Ken Pabich. Unanimously approved.

8) BOW Shingle Recycling RFP Results – Update

Mr. Doverspike informed the board that this was an item brought in front of them last month; after getting questions answered from all three counties there were several updates to share. There were a several questions from all three counties for the lowest bidder, SPF Roofing. The first page of the BOW Shingle Recycling RFP attachment includes questions and answers from Mr. Doverspike. The top two questions Mr. Doverspike asked were on rate structure and on site storage of incoming shingles that need to be processed. The questions that Mr. Doverspike had were about the rate structure; SPF Roofing revised the rate structure that was proposed by SPS. Originally SPS was charging \$23.90 per ton, if all three counties used SPS Roofing, the fee would reduce to \$21.90 per ton. Chad asked for a clean and dirty rate; SPS Roofing proposed \$15.90 a ton for clean, however, if more than 60% of the shingles that come in are clean it will be reduced to \$14.90. The dirty rate proposed is \$24.90.

The second question Chad had asked was about on-site storage. With the new contractor the shingles will be stored on the Waste Transfer Station property. A bunker system to separate the clean and dirty shingles will need to be developed. The Contractor will not be allowed to store more than 100 tons on the property at any time. With 24 hour notification they will be picked up and moved off site. SPS Roofing agreed to both those terms. This item will go to the County Board on Wednesday March 18. Purchasing is already putting together a contract. Mr. Doverspike said that by April 1st the Waste Transfer Station should be set up to accept shingles.

Mr. John Katers asked who will make the decision if the shingles are clean or dirty so it is not open ended. Mr. Doverspike's answered that the scale operator will make that decision. On Wednesday, March 18 Mr. Doverspike is meeting with Shelley Treml, the scale operator, SPS Roofing and GAD to discuss more about distinguishing between clean and dirty. He mentioned

that there is a security camera that could be angled towards the scale so it can be clearly seen what is being brought in.

Mr. Haen mentioned that his biggest concern is managing that area and storage. It is something new and now it will be on the Department's property. It will be a problem if it is not well kept and shingles are spilling out where trucks need to enter the transfer station.

Mr. Norb Dantinne asked if anyone did a background check on SPF Roofing. Mr. Doverspike responded that SPF Roofing provided four or five references; they have similar recycling operations as the Resource Recovery facility, however, on a much smaller scale. This will be a bigger step up for them. They will try to haul all of the dirty shingles down to Menasha and clean shingles up to North East Asphalt. Mr. Doverspike is hoping with economy of scale they can get some efficiency. What Mr. Doverspike said that he was worried about is that they will be charging \$15 and \$25 and their cost provides no transportation.

Mr. Doverspike did point out to the board, in case there were any questions that the current vendor, Forward Vision Environmental, did file for bankruptcy. A letter drafted to Brown County stating that as of March 14th or 15th they will be out of business.

9) BOW Shingle Stream Recycling Markets and Rate Structure – Update

Mr. Walter mentioned that over the past year or so it has been looked at how Brown County, Winnebago County and Outagamie County structure their pay outs for contract and non-contracted materials coming across the scale on the recycling side of things. The agenda packet included a BOW recycling handout that gives a breakdown of the payout history as well as the contract provisions with ADS. In 2015 a contract was signed with Advanced Disposal. ADS would bring all their recycling across through the BOW and share in a 90% - 10% share in profits in exchange BOW was able to start the second shift and commit to the facility expansion. Additionally, one of the goals of BOW is to get all of the counties in line with setting rates. Brown County sets their rates by market share dollars and tiering the gate rate to Outagamie County's and the contracts (all municipal and private) state that it must be a tiered rate structure. Brown County municipalities that are part of the long term agreement get the going rate; anyone with a contract gets \$5 less, anyone without a contract \$10 less. This is stipulated in the contracts that go out to 2024. Mr. Walter said that they are trying to make sure that they are competitive and not providing a disadvantage for haulers to haul direct to Outagamie County, we do not want to pay for them to haul to Outagamie if we don't have to. The second page shows what the structure is based on; what Outagamie used to pay to ADS and what their revenue splits were proposed to be. ADS brings close to 5,000 tons/year and are the single biggest private contractor. Mr. Haen said that because of ADS the department has the security to manage a second shift crew.

Mr. Walter mentioned that he looked at the different revenue splits and processing cost and how Brown County tier system fits into this rate structure. Because of the rate structure that is stipulated in the contract it has to be made sure that the rates are lower than transportation cost. This dictates where they fall in the rate structure.

The Brown County municipalities will be at the 85/15 revenue split rate being used to set the top tier, everything else will be below that to ensure hauling cost is being covered, while still providing an incentive for contractors who direct haul to Outagamie County . The rational for doing this is

because Outagamie County previously did not have a methodology in place for offering contracts to haulers there. ADS is a unique contract, it is currently the only BOW contract. There is an effort to attract more companies to the BOW system to secure tonnage. Mr. Walter said that there needs to be a methodology so this contract can be duplicated every time if more companies end up going with the BOW system.

Mr. Haen mentioned that they are starting to go after other counties, what he did not want to see happen, is for a contract to be given to a commercial hauler and it results in paying more for lower quality recyclables. Commercial haulers directly hauling to BOW facility saves money on BOW hauling costs. A uniform BOW rate structure will eliminate unintended customer decisions within BOW, rather this is a movement towards an integrated rate structure.

Mr. Walter stated that the market value for recyclables is at the lowest end of the market since 2009. This is directly related to the price of oil. Mr. Haen added that once fuel prices rise then the market will increase as well. Mr. Haen asked Mr. Walter to reach out to the municipalities and keep them informed of market conditions for purposes of their budgets..

Mr. Haen added that Brown County has lower capital and debt resulting in a higher pay out than the other counties. Outagamie is responsible for all recycling collections and do not pay out to municipalities, while Winnebago charges \$5 a ton and then does a market adjustment at the end of the year. With the addition of a new compactor and building expansion, a portion of costs lands on Brown County, and a portion will be paid out of BOW recycling revenue. The net benefit of the compactor will be \$100,000/year in savings in hauling.

Mr. Mike Van Lanen asked if prices are so low and doing the new plastics 3-7, is that going to hurt even more? Mr. Walter responded that the new plastics are such a small percentage in total, there has not even been a truck load of plastics 3-7 sold this year. The rest of the plastics are sold regularly.

Mr. Haen pointed out that with the new structure the markets and the rate structure are two separate things.

10) Discussion Regarding Regional Composting – Update

Mr. Haen had discussions with the public works directors of urban municipalities as an initial start to see if there is a role Brown County can play in the county involvement in composting. Urban communities are providing information on the size of their facility, infrastructure, equipment used and types and compositions of materials they are collecting. Mr. Haen reached out to Foth asking what it would cost for their involvement in an analysis. They came back with a significant cost. It was decided to keep the projects moving forward in-house and maybe get Foth involved in some limited capacity down the road.

Mr. Craig Berndt from Allouez attended the Solid Waste Board Meeting. He had several thoughts for composting. He mentioned that the public works departments have had several discussions as to what to do with the yard waste. From Allouez's standpoint, the quantities are fairly large. What is important to the community is it has a reliable place to go with the material. Currently, they take materials to different locations. It is not just a problem with Allouez, there are three or four communities dealing with the same issues. There have been some discussions with the city of Green Bay. They really wanted to talk to Brown County to make this work for

everybody. One thing that has always been an issue is where it should go. There seems to be a lot of reuse opportunities for the compost.

Mr. Doverspike asked if there was a time frame set up yet. Mr. Berndt said that it would be great to have it settled in a year. It just depends on how it would fit into budgets.

Mr. Katers mentioned that he could ask a grad student to do the research.

Mr. Haen brought up the fact that every community has a facility and the residents appreciate the convenience of their community drop-off center. What this may look like is local route trucks that could pick-up material from the drop-off centers and move it to a regional composting facility. Mr. Katers added that they should look into doing regional cooperation, i.e. being able to drop off in different municipalities than where one lives. Mr. Haen mentioned that he talked to Outagamie County; they have a community compost area at the Outagamie Landfill serving Appleton and a few other communities. It is a county property operated by the city. The compost gets used by both the city and the county.

Mr. Bernt explained that this is a significant need; it is an opportunity for the communities to work together. Cooperation on other projects have resulted in significant cost savings. Mr. Haen added that the creation of the Solid Waste Board was the result of the communities approaching the County to move towards sanitary engineered landfills rather than town dumps.

Mr. Katers talked more about the student he could potentially bring to the table. Mr. Bernt added that they have funded university students to work with them. Their difficulty is they don't have time to manage them.

11) South Landfill/Resource Recovery Park Project by Foth Companies – Update

Memo #2 is dealing with ancillary facilities to be located on the property; maintenance sheds, gas management, leachate, scale house. Foth came and gave examples of how things were going to be laid out last month and over the past month staff has moved some things like roads that they had been drawn in. This memo is a reflection of the staff's input on how they would like the south landfill laid out and potentially addressing C&D processing, digestion, composting, gas-to-energy and facilities of the landfill.

Mr. Mike Van Lanen asked if there would any real big changes that Mr. Haen came across. Mr. Haen explained that the only real big changes were that Foth had entrances coming in from the east and south. By the Host Community Agreement, Mill Road is the designated access route. There may not be secondary entrances without town approval. In addition, facilities were moved into underutilized areas.

Mr. Katers summarized that they are looking forward to the final report, they will take these memos and prioritize some of the things that are possible and work their way down to things that are not. Mr. Haen agreed and pointed out that this is going to continue to change. If the plan materializes and involves mixed waste processing facility the cost is significant; a \$10-20 million investment and would have to be justified by the value derived. Anaerobic digestion right now is too capital intensive and is not really financially appealing. With this being said property will be set aside in case these types of processes and their capital costs come down and are more commercially viable Brown County will be ready. The next memo forthcoming covers the

processing of construction and demolition waste which is being commercially demonstrated around here. In the next memo it will be shown that it is more financially amenable than some of the other things that have been looked at.

Mr. Dantinne asked if there was a way to cooperate with various farmers to have WPS meet with one person. He added that it seems like the rate for electricity has to be 7 – 8 cents per unit to be viable and there seems to be so many positives from this. There is an unlimited supply of manure and there is no end to the limits we can do. Mr. Katers explained that he had been in a meeting through the University with a local entrepreneur and in order to get a decent buy back rate one would almost need 100 megawatts available. Right now there is only 17 megawatts of manure generated electricity in Wisconsin. Mr. Dantinne then said that there is power being produced from the landfill. He asked if a coop was created could it be a possibility. Mr. Haen explained that the utilities were given a number to hit on renewable energy. These were met and Wisconsin Public Service did not seem interested in these types of projects anymore. He also said that if you can use this energy yourself you will be getting a better value for it because it will be avoiding purchasing power at market rate. Mr. Dantinne said that natural gas is the cheap product right now but in 10 years it might be sky high. Mr. Haen added that the only thing guaranteed is that the energy market will change. There is still 500 to 1000 years' worth of coal in this country and we are moving away from coal energy and eventually natural gas will dry up or get too expensive that may result in a huge flip in the industry and coal could return to be the main energy source. Mr. Katers mentioned that in the paper there is \$900 million of transmission lines that they are looking to construct, so there can be better access to wind energy from other states.

12) Fox River Fiber Notice of Claim – Update

Mr. Haen explained that Brown County has received a notice of claim from Fox River Fiber from the reduction of alternative daily cover (ADC) accepted at the Outagamie County landfill based on DNR limits. Brown County has a contract with Fox River Fiber to provide the BOW landfill with alternative daily cover. The DNR has an ADC limit of 12.5% of the volume of municipal solid waste disposed of that can be ADC. Calculate that based on 400,000 tons of MSW equals, 50,000 tons of ADC. This was communicated to Fox River Fiber that only approximately 50,000 tons a year or 1,000/tons/week can be received as ADC. The contract says that it has to be used as alternative daily cover. It cannot even be taken as garbage. This was communicated to Fox River Fiber; their response was a Claim. The Claim went to Corporation Council and the County Clerk's office. Corporation Council had responded even before the claim was brought to Resource Recovery that no breach of contract was occurring. Corporation Council responded that they did not think that Resource Recovery was in breach of contract because the amount is set by the DNR. Mr. Haen does not think there is any validity to the claim. Mr. Haen believes Fox River Fiber will litigate and there will be a legal claim. The claim is for Fox River Fiber's additional costs of \$2,000/week. Based on the claim value, Fox River Fiber is asking Brown County to take the 1,000 tons/week at \$2.50/ ton for free.

Mr. Mark Vanden Busch asked if the specifications had ever been looked at; i.e. moisture. Mr. Haen said that could be looked at again. It is excellent quality for ADC. Mr. Vanden Busch mentioned that it seems as though there are many outs for Fox River Fiber, but very few for the County. Mr. Haen agreed that it is a very one-sided agreement that was negotiated and approved by Corporation Counsel. At the time of signing the contract Brown County and BOW

may have been in desperate need for ADC. Mr. Haen mentioned that Fox River Fiber has other business dealings in recycling and disposal with Brown County and BOW that they need to understand will be impacted by a formal claim. Mr. Haen is hopeful the good business relationship will continue. .

13) Director's Report

The city of Green Bay signed a Solid Waste Agreement with Brown County resulting in new agreements with all municipalities of Brown County..

Recycling supply agreements are being worked on by BOW for the city of Shawano and Fond Du Lac County.

Mr. Haen mentioned that Mr. Walter and Mr. Doverspike are making efforts on a logo for Brown County Resource Recovery. Mr. Landwehr was wondering about the arrows in the logo and why they choose not to go with more of the triangular recycling symbol. Mr. Walter explained that they are not strictly recycling, they are also resource recovery. The triangular recycling has certain implications behind it.

14) Such other Matters as Authorized by Law

No other matters as authorized by law.

15) Adjourn

A motion to adjourn was made by Norb Dantinne and seconded by Bud Harris.