

**PORT & RESOURCE RECOVERY DEPARTMENT**



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DEAN R. HAEN

DIRECTOR

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**PROCEEDINGS OF THE BROWN COUNTY SOLID WASTE BOARD**

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A regular meeting was held on **Monday September 21<sup>st</sup>, 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 2:35 pm.

2) Roll Call:

Present:                    John Katers, Chair  
                                  Mark Vanden Busch, Vice-Chair  
                                  Ryan Holzem  
                                  Norb Dantine

Excused:                    Bud Harris  
                                  Lisa Bauer-Lotto  
                                  Mike Van Lanen

Not Excused:             Dave Landwehr  
                                  Bill Seleen

Also Present:             Dean Haen, Brown County  
                                  Chad Doverspike, Brown County  
                                  Mark Walter, Brown County  
                                  Al Lubberda, City of DePere

3) Approval/Modification – *Meeting Agenda*

No approvals could be made due to a quorum not being met.

4) Approval/Modification – *Meeting Minutes of July 20<sup>th</sup>, 2015*

No approvals could be made due to a quorum not being met.

5) Announcements/Communication

Mr. Ryan Holzem has been appointed as a new Solid Waste Board member. Ryan is a faculty member at UW – Green Bay in the Environmental Engineering Technology Program. Ryan explained his widespread background including getting a PhD from Duke University in Environmental Engineering and has worked extensively in bio solids.

6) Compactor and Building Expansion – Update

Mr. Doverspike explained that the compactor will begin work on September 29, 2015. The new compactor will save about \$100,000 each year. The machine will pay for itself in about 5 years. This will allow for a much cleaner transition when traveling to Outagamie County because of the enclosed trailer. The compactor will also be a benefit because it will decrease per ton cost, it will cause less wind-blown trash around the MRF and it will also increase customer service by decreasing drop off wait times by allowing both doors to be used for customer drop off at peak times.

In addition to the = installation of the compactor other changes include installation of a residential recycling drop off door for excess recycling that will allow residents to drop off recycling right in the building without entering it. This will save employees time by not having to empty the recycling bins multiple times per day. A roof hatch was also installed in the building; it will now be much safer when people need to go up on the roof.

Mr. Doverspike explained that the project will be about 5% over what was originally approved in the budget. There was about \$15,000 worth of work done to remove and replace the soil because of the sugar beet factory that was at this location before the MRF.

7) Fox River Fiber (FRF) – Update

- a. Progress with FRF Amendment #3 and Kewaunee County Memorandum of Understanding
- b. Letter from Outagamie County Executive
- c. Response from Brown County to Outagamie County Regarding the September 2014 Draft Analysis of Alternative Daily Cover Options for Outagamie County landfill Serving Brown-Outagamie-Winnebago Counties

Mr. Haen began by providing a status update for FRF Amendment #3 with Kewaunee County memorandum of understanding (Item 7a). The amendment is to reduce the FRF sludge tonnage from 70,000 tons to 50,000 tons to be in compliance with the DNR's 12.5% alternative daily cover (ADC) to municipal solid waste. The process of this amendment started in January. After a conversation between the County Executive, Troy Streckenbach, and Kewaunee County's Administrator it was determined that Kewaunee County could use a portion of the paper mill sludge as ADC for their landfill helping FRF find additional disposal options. . The Kewaunee County option was a catalyst for FRF to work towards an amendment and possibly no longer consider the FRF notice of claim for which Brown County has disallowed. On Wednesday September 23<sup>rd</sup> a meeting with Brown and Kewaunee County's Corporation Counsels along with FRF's Counsel will take place to take care of all the details of the amendment.

Mr. Holzem asked if Kewaunee County's landfill follows the timeline for the Brown County and Fox River Fiber contract. Mr. Haen explained that MOU with Brown County, Kewaunee County and FRF is for the remaining life of Kewaunee County's landfill which is three years.

Mr. Vanden Busch asked if there are any terms that Fox River Fiber might agree to for Brown County to have termination options. Mr. Haen explained that he does not believe FRF is interested under the existing agreement to allow County termination clauses to be added..

Mr. Haen informed the Board of the letter received from Outagamie County (Item 7b). Outagamie County's Solid Waste Department has had a new director for the last year and a half. He has experience working with landfills in California and believes that the Alternative Daily

Cover (ADC) that Fox River Fiber (FRF) supplies BOW is financially detrimental and may have negative environmental effects. The BOW contract implies the host County gets to determine how to operate the landfill. Their director is moving towards using a spray-on ADC at the Outagamie Landfill. Operationally, Outagamie is subjectively choosing to not use the FRF paper mill sludge as ADC and have been piling it up, which from Brown County's perspective is not operationally sound and not incorporating the sludge in with MSW is creating a monolithic fill area that may create leachate or gas problems. Since Outagamie County is not using the sludge as ADC, Outagamie is threatening to charge Brown County full fee to accept that material as general waste. Right now the paper mill sludge is being accepted at \$2.50/ton based on the contract terms. This may be a million and a half dollar annual increase in operating costs. Outagamie County is proposing to charge one of its partners. The content of the Outagamie County letter is referencing a draft report (item 7c), in which the draft appears to justify the spray-on ADC. The report was never finalized by BOW Directors because an agreement could not be made on the findings. Included in the agenda packet is Brown County's formal respond the draft report. For many reasons as stated in the letter, Brown County believes the draft report is flawed and inaccurate.

Years ago the three BOW Directors from Brown, Outagamie and Winnebago County worked together to figure out that the best solution for ADC was to have Brown County contract for FRF's paper mill sludge. There is proof that all three directors at the time had knowledge of the contract that Brown County signed with FRF. In hindsight, the contract should have been signed by all counties. All three counties have benefited from the ADC and as recently as 2012, the former Outagamie County director wanted 50-65,000 tons of FRF sludge for ADC. The current Outagamie County Director now has different opinion that is the source of this problem. The environmental impacts of paper mill sludge are unproven. All three counties have landfills with significant quantities of this type of ADC with no proven negative impacts. The financial impacts of ADC are clearly different between Brown and Outagamie County. Outagamie County also claims that the long term use of paper mill sludge is more expensive and that the spray on coverage will be more cost effective. Mr. Haen argues that Outagamie County has not taken into consideration the cost of product, machinery, manpower, and time. As well, the use of the spray on coverage will allow the landfill to be used for 6 extra months. This comes with 6 extra months of overall cost of operating facilities which is roughly \$6 million. In fact, Brown County believes using FRF ADC will actually save the BOW landfill more than \$3.0M over the life of the landfill.

Mr. Haen explained that because of the importance of the situation the Department has hired Michael, Best and Friedrich (MBF) to do legal work on this situation. MBF is sending out a letter on September 22 stating that by Outagamie County refusing to use FRF sludge as ADC it is forcing Brown County into a breach of contract with FRF and the BOW agreement. In the BOW agreement it states that the three directors are to resolve operational issues and if unable to work it out then the situation will be placed in dispute resolution conditions of the agreement. In regards to MBF working for Brown County they have not given us a budget yet, the Department has to strategize on what the extent of their assistance will actually be based on Outagamie County response to correspondence.

Mr. Katers suggested that an outside consulting firm could be hired in order to figure out exact costs of ADC. Mr. Haen agreed that fully understanding the cost of ADC needs to be done first, so all parties understand the costs and benefits. Nevertheless, Outagamie County needs to recognize the contracts that are in place. Mr. Katers added that it would be good to have an engineering company substantiate any detriments that are caused by paper mill sludge ADC.

Mr. Haen explained to the Board the points he made in his letter to Outagamie County. In summary, the basis for their evidence is flawed. He also added in the letter how the contract with Fox River Fiber came to be and why they are causing the Department to be in breach of contract.

Mr. Haen added that they are looking to Outagamie County and asking why they are deliberately working against the relationship that Brown, Outagamie and Winnebago County have set in place and the long-standing intergovernmental relationship. Winnebago County Solid Waste Director and Executive support Brown County in this situation.

Mr. Vanden Busch asked what Outagamie County is doing with the paper mill sludge? Mr. Haen explained that it is being pushed aside into a large pile. Mr. Doverspike added that they are doing this because of their operational decision to use a purchased ADC spray-on product. Mr. Dantine asked if there is anywhere else the paper mill sludge could be used to help to Department get rid of it. Mr. Haen explained that FRF has a hierarchy of their disposal options that include animal bedding first, Encap, followed by Brown County and then disposal with Waste Management. If it is beneficially reused, the state fees are waived. The last disposal option is with Waste Management as regular garbage.

8) Director's Report – Update

Mr. Haen stated that in regards to the budget there is one change that the Department would like to make. It was proposed that the dirty shingle rate be increased for 2016 to \$35/ton to give people more of an incentive to bring clean shingles. However, with the competition across the street it would be wise to keep this cost the same as the 2015 cost at \$30/ton. An additional change is that the statement of funds have been finalized by the Finance Department since the draft was presented as part of the July budget discussion. The areas highlighted in red under capital items and operating cash have been finalized.

Mr. Doverspike explained that Brown County put together a C&D RFQ for the three counties. Between the three counties there is about 30,000 tons of construction and demolition waste. This RFQ will allow anyone to bid on it.

Mr. Walter added that on September 25<sup>th</sup> there will be a meeting to determine the permitting to have a seasonal DNR facility with BOW. The director with Outagamie County has experience with running a three season DNR facility in California.

Mr. Katers had a question regarding the time left on Kewaunee County's landfill. He asked that if they only have three years left on their landfill would they potentially be a customer that would come to our landfill with their waste. Mr. Haen and Mr. Doverspike explained that Kewaunee County seems like they do not want to expand their landfill. There might be a possibility to contact their customer list and reach out to them directly with offers to do business. It might also be possible for them to build a transfer station and have their waste transported directly to Outagamie County with BOW.

9) Such other Matters as Authorized by Law – Update

There are no other matters as authorized by law.

Meeting ended at 3:25