

Minutes – Regular Meeting  
Solid Waste Advisory Board  
May 12, 2010  
**Approved August 11, 2010**

Attendance: Jan Sassaman, Linda Bowerman, Al Vickers, Remus Smith, Steve Yuhasz, Doug Guild, Jim Ward and BJ Tipton

Staff: Gayle Wilson, Blair Pollock, Paul Spire, Cody Marshall and Wanda McCain

## 1. Opening and Welcome

2. **Adoption of Minutes from April 7 SWAB meeting** Guild moves to accept. Vickers 2<sup>nd</sup>. Passes unanimously.

3. **Fiscal 2010-11 Solid Waste Management Budget Issues** Wilson states that the manager will present the budget to the Commissioners next week on the 18<sup>th</sup>. Generally there is an overall capital freeze on all capital equipment, continued position freezes and eliminations; two and-a-half solid waste positions are eliminated and four are currently vacant and may be eliminated. We had 58 employees at this time last year. There is the recommendation of raising a few fees – MSW by \$2 to \$52, and an increase in mobile home disposal and the fee for cars. There are also some minor fees charged by Sanitation to the County schools and a couple of other places they collect from on a per fee basis. One other thing the manager is proposing is to incorporate Sanitation into the enterprise fund as part of this budget.

Sassaman asks how does that fit in with the operations of the Towns on the money [spent] and the return on who pays etc. Are the people in the towns getting double-taxed?

Wilson states that sanitation for the most part is funded through county taxes. How it would work is to bill the sanitation division in twelve equal installments. This may not be the permanent solution but it is a good interim move.

There are no major program cuts at this time. There will be some services affected by positions not being filled.

Yuhasz states that for clarification the county general fund currently pays to the enterprise fund the tipping fee for each load that it brings to the landfill from the convenience centers. Then the county has a contract with the enterprise fund to handle that, that is the money that is going to be paid on a monthly basis.

Sassaman states that it will be tip fee plus a [monthly] percentage of the costs of operating

Wilson states that the tip fee will be included in that billing. It will be an equal portion of the fixed costs and then the actual tip fee.

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Yuhasz asks so when we start going to Durham, the enterprise fund will bill the County for the tip fee at Durham?

Pollock asks regarding the \$260,000 from the 3-R fee in terms of the recycling programs is spoken for now or is it all surplus because of the capital freeze. How is that being managed? If we broke down the 3-R Fee and the U, R and M fees cover their program costs, does the “surplus” come from the basic fee?

Wilson states that any surplus that the fee is generating will be contributing to that \$260,000 and if there isn't \$260,000 generated, the rest will come from reserves.

Pollock asks if the intent is not to cut any recycling programs to make up that difference.

Wilson concurs.

Pollock asks if that money allows/enables the budget that unfreezes the four positions that are frozen.

Wilson states that the budget that is being presented includes the funds for two-and-a-half of those positions. There has been no decision by the manager that gives a time to recruit for the positions.

Best states that there will probably not be any recruiting for those positions. The thought of the manager at this point is to keep the positions open and if there is someone within the county to move into those positions we would do so to avoid RIFs.

Sassaman asks if the positions are funded under the 3-R fee.

Wilson replies that two of them are. Even though there may not be a financial connection I think the manager sees it in part as an issue of equity in that the other departments are having tough times and as a sense of fairness holds us to the same standards.

Sassaman states that the argument that was cast about when we approved the 3-R Fee was that one of the benefits of the fee was it would create a funding situation where the enterprise fund would be independent of variations in the general fund and that solid waste operations could continue their essential operations and recycling programs, even if there were pressures to cut back in terms of the general fund.

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Wilson states that that is generally one of the primary arguments in favor of enterprise funds themselves, that they have an independent source of funding that allows stability.

**4. Issues Related to BOCC December 7, 2009 Transfer Station Motion**

a. *Future of SWAB/Interlocal Agreement* Wilson states that one thing to talk about is whether the SWAB is interested in making any communication to the BOCC or the county manager with regard to the future of the SWAB and/or the future of the interlocal agreement. This is not to make you all do something, but this would be the time to consider it. I'm sure the Town of Chapel Hill is trying to figure out what it is going to do with its garbage and if there is any benefit in hooking up with the County or the municipalities or is it time to dissolve the interlocal agreement and it's every entity for themselves. If there is no new interlocal arrangement or cooperation between the governing boards, is there any reason for some continuing public group, like you all, to discuss and debate issues related to solid waste management within the county and provide a forum for such discussion. It seems that this is a fairly important issue and the governments are at a crossroads and it wouldn't be improper or out of line if this group had an opinion about that.

Vickers states that I would be in favor of a letter that would point out the continuing services that are provided by the county to the cities such as the vegetation disposal and recycling operations and the construction debris landfill and that each of the cities have interest in their input on those issues. Although we are somewhat disappointed on the municipal garbage disposal part not taken care of in an uniform manner.

Sassaman states that one of the big unknowns is the direction Chapel Hill is going to take. Chapel Hill could go to Durham, to Greensboro, build a waste transfer station in Chapel Hill and one option is to try to work out something with UNC or go franchise. I don't see the latter happening because of the ancillary operations of the Sanitation Division are very important.

Vickers asks BJ about UNC's long term plan.

Tipton states that they have a contract with Waste Industries.

Smith states that speaking as an individual citizen of Hillsborough in my opinion Hillsborough has saved money being in the group. I don't think we could have afforded a convenience center or bought the equipment for recycling. I think I have kept the Town of Hillsborough more informed about garbage than they would have found out if we had not been here. I am in favor of the agreement.

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Yuhasz states that looking at the motion that designated the Durham transfer station, number two was to work with the Towns on amending the interlocal agreement, Willie do you know if that started yet?

Best replies that there was one meeting and the way the manager left it was the Towns were supposed to get back with the manager with their decisions. That is where it is now.

Yuhasz states that it seems the recycling, mulch, and C&D falls out of the interlocal agreement. There is not a specific separate agreement for the county to handle recycling or any of these things. The continued existence of some kind of interlocal agreement is the foundation for those other programs to continue.

Vickers asks when will the landfill stop accepting waste.

Wilson replies that what we are using for our planning is January 1, 2013.

Vickers states that there is no immediate pressure for the towns and the county to resolve this this Fall.

Sassaman states that there are two questions. One is the interlocal agreement and the other is the Solid Waste Advisory Board. The SWAB was established by the interlocal agreement but we have been given a long term direction by the BOCC to come up with a plan by the end of this year to look at alternative waste disposal. That implies that in the minds of the Commissioners there is a role for this organization absent the interlocal agreement. If we are to continue on the road to taking our waste to Durham transfer station it seems that the primary clause of the interlocal agreement is abrogated by the County. It reads "*The County will provide System Management Facilities suitable for the disposition of solid waste by the County, the Towns and the persons and organizations within their jurisdictions. The existing landfill as well as any successor Systems Management Facility will be designated to accept solid waste generated exclusively by residents, businesses and institutions located in Orange County and that portion of Chapel Hill within Durham County, NC*". In other words the County is required under this to actually provide a place for the exclusive use for Orange County residents.

Vickers states that the interesting part of that statement is what has come out of all the material looked at the reality is Orange County doesn't produce significant waste to go it alone on most alternatives. So when it says it has to restrict itself to Orange County it eliminates an inter-regional agreement. It is clear that the long term path will eventually be if recycling is more and more successful the amount of waste produced in Orange County will again go down and the need to have another alternative environmental acceptable solution is going to require cooperation with some other region.

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Yuhasz states that in listening to this the interlocal agreement has to be changed. It would seem as long as the SWAB exists one thing that it could take on is recommendations as to how or what that interlocal agreement should look like. I don't know that there is anybody else either on the Town Boards or the County Board of Commissioners who would be better able to make a recommendation as to what an interlocal agreement should look like if it is to be effective going forward.

Wilson states that maybe a future meeting could be a work session.

Vickers states that our next meeting should be a work session to take this and write up comments and go paragraph by paragraph what we want out or in it.

Yuhasz states that it would be helpful for the SWAB to set out what the philosophy of handling solid waste in Orange County ought to be, how we accomplish that and what role each of the jurisdictions will play in that. There are a lot of things we've talked about -- how to handle recycling, what part the towns have in the convenience centers, etc. That is a role the SWAB at this time as long as it exists could take on and in doing so could justify its continued existence.

Vickers states that one issue is that the Commissioners need to be advised of a long range solution for handling of solid waste because it is going to change over time. At this point, the County is in no position to do it on its own. It needs something regional. How they get to the political will of having other counties to work with you is another issue. It is clear that any long-term solution is going to require that and it has to keep being driven home to the Commissioners that this is not something that is going to go away.

Yuhasz states that the question that keeps coming back is what are we doing about recycling. Is there a commitment to recycling by the municipalities if in fact the only reason we are in recycling is recycling falls out of this agreement and this agreement goes away .... if it goes away because each municipality goes their own way with municipal solid waste what does that do with the recycling program. It seems that one of the things we may say is, "With regard to municipal solid waste everybody goes their own way but we need to have an interlocal agreement that sets out how we are going to do recycling. "

Vickers notes that where recycling was a major financial negative when we started. Now with the closing landfill and the increasing value of recycled materials, it's turning slowly to becoming less financially unattractive. Everything you don't put in that recycling bin is going to cost you so much going out the door [of the County].

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Sassaman states that the one thing I hear from Chapel Hill is they are strongly committed to having recycling and more than we have now.

Yuhasz asks if the Town is counting on the County to continue to do that.

Vickers states there could be more cooperation between the Towns – on police they do, on Fire they don't, on solid collection they don't. Perhaps they could on solid waste.

Sassaman asks how should we structure a meeting to talk about this.

Vickers I think the meeting structure is that we should go through each page to see what is or isn't needed. See what applies and what doesn't apply.

Bowerman states that we should start in our minds at least what we think we need regardless of what is there. You may forget what issues you need that may not be addressed well in there e.g. convenience centers.

Sassaman states that the basics should be in there such as who is responsible for garbage, who is responsible for recycling.

Bowerman states that maybe we could have -- this is what we had and these are consequences of not doing it. That might be more useful than coming up with another agreement that people will look at and say this looks dumb.

Sassaman states that that makes sense.

Guild asks what if someone put together an outline of the agreement of the major points and then listed out the changes that have occurred that have affected that.

Sassaman says one thing that's obvious is the transfer of the Department from City to County. Plus do we give up on the Greene Tract?

Pollock states that it may not be too major of a task for staff to come up with the major points of the interlocal agreement and the major things that the SWAB has done as a jumping off point for that [discussion]. That would enable you all to say what you might do going forward. There are both pieces, there is a sense that a SWAB should continue – thus what should it do is one set of issues and what should the agreement enable the jurisdictions to do. There are economic and other consensus reasons to continue recycling together. Is there a parallel piece on what the SWAB's role is?

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Sassaman asks Steve in terms of timing do you think there would be some value in reporting back to the County Commissioners that we are doing this for the June meeting but not make it a major part of our agenda until August.

Yuhasz states that this is a good idea and there is some support among the Commissioners for that. The governing boards generally don't have the expertise to really think through what needs to be done. I am not sure that we want to get too far ahead of the Commissioners also buying into the idea this is an appropriate venue for the SWAB.

Ward states that the work of this group and the topics are largely off the radar for most folks, especially in any kind of detail. Are you concerned that the SWAB may get too far ahead of the Commissioners?

Yuhasz states that I don't want the SWAB to go too deep into it and have the Board say "What were you thinking?" The Town Boards may also want to weigh in on if this is a useful thing for the SWAB to be looking at.

Ward states that it protects the SWAB as much as give the Boards an opportunity to express their opinion.

Guild states that the other part is for the SWAB to state what its ongoing role is to be.

Sassaman states that to summarize where we are, staff will take a look at the interlocal agreement, parse out what is in there, what we have been doing since the interlocal agreement was constructed and what we think ought to be in the interlocal agreement with particular respect to what SWAB ought to be doing.

Guild states that also what changes have occurred that affect that interlocal agreement.

Sassaman asks if it is reasonable to set as a target date the August meeting.

Smith states that August should be for that item only. Moves to set aside the August meeting for the interlocal agreement.

Guild 2<sup>nd</sup> the motion.

Wilson states that before you all vote I would like to suggest waiting until the end of the meeting because there is something else on the agenda you already have an assignment from the BOCC to come back this Fall for the timeline and framework for process to evaluate alternative methods of disposal and you need to determine whether you are going to place this tasks in front of that task. Secondly Blair's

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priority now is to try to complete the solid waste management plan and get it turned in now that we are one year late.

Sassaman asks if it is OK to come back to this at the end of the meeting.

All members agree.

Wilson states that on a different note the payment plan for reimbursing the solid waste fund for the Green tract is now ongoing into its third year for the 105 acres, based on simple interest plus the original purchase price. The other sixty acres could be a topic for the interlocal agreement. The County has full title to that property but there is an obligation to compensate the enterprise fund if it is ever used for something besides solid waste. You may want to reaffirm or change that.

Regarding Boards and Commissions, the BOCC has an interim policy on boards and commissions. Until they finalize their policy they will only appoint members to State-mandated boards & commissions or multi-jurisdictional, external boards and commissions which is what this falls under.

Beginning this Fall, they will go back to an annual report and work plan for boards. Each Board will submit a work plan for the coming year to be consistent with the BOCC goals and objectives. All Commissioners will be on the notification list for meetings and agendas and all may attend any meeting. Many internal boards could sunset after their charge is complete. Instead of doing minutes like the detailed minutes we do now will convert to a quick summary report that is done first thing after a meeting and sent to the BOCC and the manager which would summarize any actions taken. We will start doing these summaries after September 1.

Yuhasz states that the quick summary is not an alternative to minutes it is in addition to minutes. It is designed so that the Commissioners know in a timely manner what each of the boards and commissions is discussing. I think there is a sense that boards don't need to keep as detailed minutes as they have, but since all the boards are public bodies they are obligated to keep minutes of actions that they take. There will not be, for internal boards, a specific commissioner assigned to each board.

Guild asks if Yuhasz still wants input prior to June meeting.

Sassaman restates that the SWAB may wish to reiterate that it is working on how to continue and to review the interlocal agreement. There is a memo on the future of boards in tonight's packet.

b. *Timeline and framework for public process to evaluate alternative methods of solid waste disposal.* Wilson states that the resolution reads no sooner than September so you all

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can decide to set aside time of how to address all these different technologies and determine how you are going to evaluate them all.

Sassaman states that inherent in that is what do we do after we listen to someone such as Dr. Cerico. We have to evaluate them against each other.

Wilson states that it will be difficult to hear all the sales pitches and differentiate which are the viable options and which are not.

Sassaman states that there is a set of criteria that we adopted two years ago.

Wilson states that there is someone that wants to come and give a presentation on bio-energy conversion, which is another variation of pyrolysis. There is someone that has pyrolytic energy recovery systems. You will need to find time perhaps after the interlocal agreement to show the Commissioners the plan for evaluating all these technologies.

Vickers asks are we serving the Commissioners by going through technology after technology when we come to a common root of an issue – regardless of technology, the County is going to have to do something regionally and not independently. That has to be driven home.

Sassaman states that we are not necessarily serving the Commissioners but we are serving the public. Having a forum two or three times a year, if possible, serves to get people talking. At the same time in our way try to get the Commissioners and Town Council that these big technologies require a multi-jurisdictional approach than just this county.

Wilson states that in conceding that we probably need to have partners for the long term solution you have to acknowledge that each adjacent government have different situations, timelines, and priorities. Wake County has landfill space for the next 20 years. Durham is comfortable with what they are doing. Alamance County has 60 or 70 years of capacity. Just having a forum like last time is helpful but Lou was an academic, a lot of them are salesmen. Do you have a forum with differing opinions?

At some point you need to answer what the County Commissioners asked you to do and say here is the plan and how we'd like to do it. On your up coming agendas you have at some point to develop the timeline and process for how to evaluate it.

Sassaman states that we need to hear the environmental people and what they say about incineration and pyrolysis.

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Wilson states that on your upcoming timeline & agendas you have to develop a timeline and process of how to evaluate these technologies. You also have the interlocal agreement. I need first for you all to let me know what to tell the bioenergy person and then broadly what you all want to do about the timeline and framework.

Sassaman asks would you all like to hear the bioenergy guy next month.

All agree.

Spire asks if this is to be publicized as last time

Wilson suggests that it be part of regular SWAB meeting, not as heavily publicized as last time.

Pollock clarifies that this is dealing with only the organic fraction of the waste and gasifying it then using the digestate as a fertilizer or soil amendment.

Ward asks what is the County's urgency for finding alternatives to what the current plan is. How much urgency should I feel?

Yuhasz states I want to emphasize the 'no sooner than' but that the BOCC is interested in knowing what alternatives exists or will exist. I think they see the Durham solution as an interim of some variety – whether that is a 5-year interim or a 20 year interim I can't say. But I think the idea was to say 'yes we want to look at other things but we also want to give everybody a break' We looked at this for a solid year and a decision was made and now let's let things shake out and see what happens and begin to look at these alternatives as alternatives.

Reading this particular paragraph what triggered that we need to look at what the agreement is because I think having a functional interlocal agreement is a prerequisite to figuring out what some responsible cost-effective, solutions might be. If everyone is going it alone it is a much different situation than if we are looking to partner.

Sassaman states that with alternative technology there is an enormous up front capital expense.

Tipton asks does the June meeting need to be spent on working on the solid waste management plan. Thinking about everything that needs to be done do you want to spend 30 minutes on a presentation?

Wilson states that in light of what Steve said it may be the interlocal agreement should have priority over the evaluation of alternative technologies.

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Sassaman states that there was an agreement to have the presentation on the next meeting. Do you all want to change it?

All agree to put him off.

c. *Recommendations to BOCC* – none are made

5. **Next Solid Waste Plan Work Group Meeting Agenda** Pollock states that there will be a draft of the solid waste management plan very soon. The question come does this group want to look it at as the SWAB or do we want to convene the work group with of course the SWAB membership. Back in the winter we really focused on just the unincorporated area and particularly on the convenience centers and really couldn't move the ball on that. The way the plan is going to come back at this point is without a lot of the decision making. Here are the things that have been decided like we are not going to build a MRF and will continue to ship recycling out. Then it will have some basic decision points. Solid waste convenience centers, here are the decision points, commercial recycling, etc. It will be up to you all to endorse the decision points or whether you want to actually do some of the work on the decision points and whether to do them in the context of the advisory board or the work group. That is the bones of the decision making process. Do you want to discuss it all or just focus on the convenience centers or all of it?

Vickers states that we should look at simplifying and have the work group do the work at this point.

Sassaman states that the purpose of having the work group was to have representatives from the elected officials and staff advising the signees whether to sign it or not. Carrboro and Hillsborough representatives were at practically every meeting. It is the Towns and County officials that have to sign this which is why we established the work group. The primary responsibility should be the work group and this should be the last meeting of the work group and the work group should be presented with the final structure of what the plan is going to be. It can come before this group afterwards for our final blessing, but the work group has done the work and the work group is going to sign off on it, so let's put the burden on them.

Wilson states that we need to acknowledge that we are not going to make decisions on all those remaining issues such as commercial recycling. Staff feels some urgency in turning in the plan before it is another year late. The plan will be presented that is somewhat vanilla with potential decision elements on some things, not all things. One of the priority items is the solid waste convenience centers. A lot of work has been done on that. Which one of the systems -neighborhood, partly modernized, do you want to recommend to the BOCC? They may want to talk about it for several months. But the plan may just say "We've talked about these things." The

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convenience centers are intimately connected with financing and funding the sanitation division. Included in that will be the confirmation of the 61% goal.

Vickers states that there is some concern about capital improvements of convenience centers but they don't have to be decided in detail.

Wilson states that you can just say you agree to modernize certain sites; you don't have to say exactly how much.

Pollock states that we want to show you the basic differences in levels of cost for comparison from partly modernized to fully modernized.

Sassaman states that unless there is an objection we should plan on having a solid waste plan work group meeting and have the structure of the plan presented to them to buy off on or poke holes at. This has been a moving target. We've been playing with it for years but every six months something changes that changes that plan.

Yuhasz states that to the extent that the plan has budget implications it is going to be difficult to get approved any kind of plan that depends on an interlocal agreement. We need to recognize in that plan that the interlocal agreement is a critical part.

They set a work group meeting window.

## **6. Programs/Services Update**

a. *April SWAB Resolution re: Recycling Programs Manager* Sassaman states that at the last meeting there was a nebulous resolution to encourage the Board to authorize recruitment and hiring of a new recycling programs manager. A draft was written, finalized and we passed it by Jim Ward who made the resolution and Steve who was going to be charged with the task of getting it to the Commissioners. I am going to read it. Reads SWAB Resolution from the Solid Waste Advisory Board on the recycling division staffing including any vacant, 3-R fee funded positions to maintain recycling programs at their current level of services.

Yuhasz states that I mentioned the resolution at the last meeting of the Commissioners and forwarded the email to all the Commissioners and the Clerk the next morning. They have all seen it and hopefully they will take some action.

The only place that it will officially come under the Commissioners consideration is through the budget approval process. All hiring and firing other than the manager, the clerk and attorney is by and through the manager. He authorizes, he hires; we don't have specific authority to say 'hire this position'. The manager is supposed to try to accommodate the Board's desire. If through the budget process we look at the

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enterprise fund expenditures and see that the 3-R Fee is paying for this then we may ask the question why the position isn't being filled.

Ward asks does it have to wait until then. It seems that it is separate from the budget.

Yuhasz states that Gayle mentioned earlier that part of the decision not to hire through the enterprise fund is to show that no one part of county government will not feel the difficulties of the overall budget considerations. There is a general hiring freeze. Each of the positions that are being filled is being filled with specific manager overview. I've spoken to the manger about this particular position and I think that the manager is of the mind not to fill any position until the budget has been discussed and approved.

Ward states that I hear what you are saying but it doesn't make sense when the funding is not part of taxes. What is your mind of it?

Yuhasz states that I think that if and in fact there are specific revenue source that funds a position and that revenue source was designed to insulate that particular aspect of government service from the vagaries of budget considerations, then we should respect that.

b. *Other* Wilson states that there is a recommendation going to the BOCC next Tuesday for a new engineering consultant firm to assist in developing closure/post closure plan. It is HDR Engineering.

I would like to recognize Cody for all the hard work he has been doing since Rob has left. He comes in earlier and stays later as the other supervisor to keep things going.

Sassaman states that we need to complete the discussion of the interlocal agreement.

Wilson states that the discussion was left whether to decide to have a work session at the August meeting dedicated to this topic and have staff provide some outline to spur discussion.

All agree.

Pollock states that for several months there has been a concept for putting out a request for proposal of putting some solar array at the closed C&D landfill. That looks like it is taking shape. At some point the RFP will go out.

7. **Board Member Comments** None

8. **Other Business** None

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Smith moves to adjourn.

Guild 2<sup>nd</sup>.

Adjourn 9:25pm

Next meeting: June 9, 2010.