

Ad Hoc Solid Waste Committee
August 29, 2007
@9:00a.m.

The DeKalb County Ad Hoc Solid Waste Committee met on Monday, August 29 2007, @ 9:00a.m. in the Administration Building's Conference Room East. Chairman Ruth Anne Tobias called the meeting to order. Members present were Vince Faivre, Pat Vary and Roger Steimel. Mr. Andersen was absent. Staff present were Ray Bockman, Paul Miller, Bob Drake and John Hulseberg.

EXTENSION OF PATRICK ENGINEERING AGREEMENT

Mr. Bockman said that the first item before the committee this morning is a continuation of the Patrick Engineering Agreement. The extension of the agreement is a \$20,000 proposal at the rate that they are currently charging us. Mr. Bockman said that one item that the committee may want to consider is when do you ask Waste Management to start reimbursing the County for our expenses? The last time that Waste Management reimbursed the County was for \$55,000 in legal fees. This time the State's Attorney's Office will perform the legal work in-house. Once we get into these documents, we will need an engineer. Once Waste Management files an application, they are required to put a deposit on file to cover the County's costs in reviewing the application. At that point in time, Patrick Engineering can be paid out of that fund. It currently is at \$125,000 and we will be raising it to \$300,000. It costs all of that and more these days to process a solid waste application, said Mr. Bockman.

He further stated that in the document there is another major change where it provides for a pre-siting event. In other words, the applicant can file a draft application, the County is able to review it with our engineering firm. We can then go back to the applicant and say there are some deal breakers in this application and we will never vote for them. It gives the applicant the chance to say okay I will change them or I have to have that and then let's go forward. We didn't have that last time and it would have been very helpful, he feels.

Mr. Bockman said that they have used up the initial monies with conference calls to Patrick with the 1st draft proposal that we received. They proposed these revisions in these documents and in the Rules and Procedures document. He is very well satisfied with their performance. He reminded the committee that there were not that many hours in the original proposal.

Mr. Steimel asked Mr. Bockman if there has been any indication that Waste Management is securing an option?

Mr. Bockman said no, he has not heard anything,

Mr. Ken Andersen arrived at 9:20a.m.

Mr. Bockman said that he is looking for the committee to forward the proposal to the full board for approval.

Moved by Mr. Steimel to forward this proposal to the full board for approval.

Mr. Bockman said that we need an Engineering firm and the State's Attorney to comment on the Host Fee Agreement and Application of Proposal. The bulk of Patrick's work will start once we get an application for a landfill. The deposit would cover all of the costs, said Mr. Bockman.

Seconded by Mr. Andersen, and it was carried unanimously to forward the proposal to the full board for approval.

ARTICLES OF RULES AND PROCEDURES AND SITING ORDINANCE

Mr. Bockman explained that the Articles of Rules and Procedures has changed in state law and procedures since the last time the County went through this. Patrick Engineering and our staff have reviewed them. One change was that an applicant does not have to go through a 172 hearing process and a special use hearing process. Mr. Miller has recommended that we state that in our rules. Another item is to state that if a permit is granted it changes the special use and that the process will trigger a change in zoning laws.

The committee discussed the ordinance first.

Ms. Vary asked who is the Pollution Control Facility Committee?

Mr. Bockman said that it is a committee consisting of 6 to 7 people who are appointed by the county board chairman with the advice and consent of the county board. The committee consists of county board members. This current ad hoc committee is not this committee stated in the ordinance, said Mr. Bockman. He further explained that the new committee would be an ad hoc committee, which is appointed for the sole purpose of serving as the hearing body on an application for the siting or expansion of a regional pollution control facility. The County basically becomes the hearing body and it is that committee's responsibility to forward a recommendation to the full county board to grant the application or grant it with attached conditions, said Mr. Bockman.

Ms. Vary said on page 2 of the Ordinance, about 1/2 way down the page, why is "accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose unit of government" crossed out? Why are we changing it?

Mr. Faivre asked why was everything crossed out where "Regional" is mentioned?

Mr. Bockman said that he feels it is because of changes in the language of the state law.

Mr. Faivre said that on the last page, at the top of that page (9e) it states, “No ruling of the hearing officer shall be appealable to the county board.” The committee recommended that it be change to, “No *procedural* ruling of the hearing officer”

Ms. Vary said that there is a list of things on Page 5 of the Ordinance that needs to be answered by the applicant and in the last one it states “Specific Information by criteria in ten (10) sections with attachments.” Ms. Vary said that this is confusing to her because what ten sections does this refer to?

Mr. Bockman said that the ten criteria in the Act that the applicant needs to address is what this refers to.

The committee agreed to add to this sentence, “as described in Section F of the Application.” Mr. Bockman explained that on page 8 the heading states “Application for Pollution Control Facility Siting Approval” is the actual application that needs to be filled out. As you go into this application on page 11, under Section F. “Specific Information By Criteria” you will find the reference “a.) This part of the application shall be divided into nine sections corresponding to the nine criteria.....” that need to be met by the applicant. As you go further down to the letter “b.) is states that “a tenth section shall be included that provides documentation concerning the previous operating experience.” The ten sections are what is being referred to on page 5 of the Ordinance, said Mr. Bockman.

Ms. Vary asked Mr. Bockman if the committee could add wording for clarity sake, on page 5, where it says, “Specific information by criteria in ten (10) sections with attachments” and add “ *as described in Section F of the application?*”

Mr. Bockman said that he saw no harm in adding that.

Ms. Vary then asked Mr. Bockman if he needed any action on these two documents from this committee?

Mr. Bockman said that he needs the Siting ordinance and the Rules and Regulations document forwarded to the full county board for adoption. This ordinance will replace our current Siting Ordinance.

Mr. Fairve asked Mr. Bockman if he could question the change in regional vs. non-regional wording in the document and get back to him on it?

Mr. Bockman said that he will get an answer for him and will email it to him and the rest of the committee.

Moved by Ms. Vary, seconded by Mr. Andersen, and it was carried unanimously to forward the two documents, Rules and Regulations and the Siting Ordinance, to the full board for approval. She also stated that she also wants the clarification on the word “regional” that was struck throughout the document.

Mr. Bockman said that these items would be on the county board agenda at the Executive Committee next week.

Ms. Vary at what part would the new ad hoc committee be assigned? When do we quit reviewing this?

Mr. Bockman said that it was his understanding that this committee here today would continue through the Host Fee Agreement process. He is assuming that if any of the current committee members are willing to continue serving, that any of you would be appointed to the 6 member panel.

APPROVAL OF THE MINUTES

Moved by Ms. Vary, seconded by Mr. Andersen, and it was carried unanimously to approve the minutes of May 2007.

ADJOURNMENT

Moved by Mr. Andersen, seconded by Mr. Steimel, and it was carried unanimously to adjourn the meeting.

Respectfully submitted.

Chairman Ruth Anne Tobias

RAT:mcs

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