

July 1, 2021

The Chair called for a special meeting of the Warren County Solid Waste Council to be held July 1, 2021; it was called to order at 7:30 p.m. by Chair Ellen Nerbak and was held in the County Commissioners Meeting Room in Belvidere. Present were Kevin Murray, Thomas Fey, Linda Gabel, Joseph Watters, Donald Niece, Robert Finke and Ellen Nerbak; also attending was David Dech. The meeting was simultaneously conducted via Webex, and participating were James Smith, James Banta, Lynne Rutkoski and Donald Sherman. The Chair confirmed the presence of a quorum (10).

Notice of this meeting was given in accordance with the Open Public Meetings Act by forwarding a schedule of regular meetings of the Warren County Solid Waste Advisory Council to the Warren County Clerk and The Star-Ledger and by posting a copy thereof on the bulletin board in the office of the Board of Commissioners. Formal action may be taken by the Warren County Solid Waste Advisory Council at this meeting. Public participation is encouraged. In order to assure public participation, those individuals with disabilities who wish to attend the meeting should submit any requests for special accommodations one week in advance.

MINUTES

It was MOVED by Mr. Watters to accept and approve the minutes of the June 3, 2021 meeting, seconded by Ms. Gabel. With one abstention and no corrections, all in favor.

CORRESPONDENCE: None

COMMITTEE REPORTS

Solid Waste/Recycling

Mr. Dech reported the retirement of Jim Williams from his position at PCFA, thus no report from PCFA is available. Ms. Nerbak introduced two new SWAC members: Kevin Murray (Allamuchy) and Donald Sherman (Hackettstown).

REHS: No one present.

PCFA: No one present.

NJDEP: No one present.

Freeholder Liaison: No one present.

OLD BUSINESS: None

NEW BUSINESS

Review Amendment to the Solid Waste Management Plan (SWMP)

Mr. Dech reported the proposed Amendment removes Covanta from the SWMP, that facility has not been in operation for two years. The short-term strategy is for haulers to use Hunterdon or Somerset County transfer stations for ID-10 waste disposal; Morris and Sussex cannot accept Warren County

waste because they are waste flow counties and their Solid Waste Management Plans do not allow the importation of out-of-county waste. Because Warren is not a waste flow county, waste cannot be directed to the County landfill. One of the Solid Waste Management Plan's goals is to minimize outside waste. Currently the county landfill takes ID-13 waste, a majority from outside of Warren County. When the landfill begins accepting ID-10 waste, the amount of ID-13 waste from outside the County should lessen. Landfill revenue should balance out as ID-10 waste disposal increases and ID-13 waste disposal decreases.

Nature's Choice is proposed in the amendment to be deleted as a Class C composting site. Nature's Choice has cleared its remaining compost material from the site in White Township. It is no longer in operation and NJDEP revoked and terminated its general approval. Currently there is a site plan application pending for the site to construct solar panels.

Lastly, the amendments clarify that the multiple lots that comprise the active landfill were consolidated into one lot in 2019. Other lots that were identified in the Solid Waste Management Plan as landfill properties were subdivided and after the subdivision was completed certain lots were offered as a donation to the DEP as part of an alternative wildlife mitigation agreement that was approved by the Board of Chosen Freeholders in 2019 as well.

Asked if there is any interest from another entity to operate the resource recovery facility, Mr. Dech said not at this time. The Service Agreement calls for decommissioning of the Covanta facility, for which Covanta is responsible and a bond is to be posted. Mr. Finke asked if SWAC will vote on this, to which Mr. Dech replied affirmatively. The County Commissioners will have a public hearing at its August 11 meeting. There are public notification requirements, which is why this SWAC meeting was convened to provide enough time to advertise and distribute the amendments to the municipalities in accordance with the Solid Waste Management Act and regulations.

Mr. Watters asked if we are in a better position now than in the previous plan, to which Mr. Dech replied yes. Mr. Watters reminded it still must be clarified what waste goes where, but Mr. Dech explained that it could not be clarified at this time. Until the landfill is expanded and available to accept ID-10 waste early next year, the options available for Warren County's ID-10 waste are the transfer stations in Hunterdon and Somerset County or other permitted disposal sites in NJ or outside of NJ. Mr. Niece said without Covanta operating, it should be easy to put the plan in place. Mr. Murray noted there is no value to the property at this time.

Mr. Finke then asked if Class A recycling should be clarified, whether single stream or source separated. Ms. Nerbak replied that the amendment could be passed tonight without clarifying this. Members present noted there are questions about source separating, that separations must be clear. Mr. Finke suggested removing "source separated" from the first paragraph, but Mr. Dech said he will first verify the definition of "source separated" in the NJDEP regulations. Mr. Finke noted that in Class B recycling, the second sentence in the paragraph beginning with "In 1992..." he questioned the wording of the removal of remaining "finished and unfinished material" since there is nothing to remove under current activities. Mr. Dech said the removal is done. Mr. Finke questioned a statement noting "food hazard" and wondered if this should be "flood hazard". Mr. Dech said that it should be flood hazard.

Asked if plastics are part of this amendment, Mr. Dech said plastic recycling is not.

Mr. Smith questioned what is being requested of SWAC tonight; Mr. Dech responded that SWAC would review the proposed amendment language and recommend the language as presented or recommend other changes to the County Commissioners. The date for the public hearing is August 11. Mr. Smith wants to reserve action, asking why the rush for action when the facility was closed for 1-1/2 years? Mr. Finke asked why the Commissioners brought it up, and Mr. Smith said procedurally the Commissioners should seek advice from SWAC on any decisions. Mr. Finke then asked why not leave the plan as is. Mr. Watters commented the burner will not be part of the system any more, thus changing the plan would be necessary.

Flow control was questioned as discussed on page 32 of the proposed amendment.

Mr. Smith said the landfill remains a public utility and public utility laws apply so preferential rates cannot be charged. We also had a waste flow agreement. In 1988 Hunterdon County agreed to send their waste to the burner so controlling waste flow could be considered in the future. Flow control is discussed in the Solid Waste Plan as one way to discourage the disposal of waste originating from outside of the County. Mr. Finke said this needs to be clarified. Mr. Finke asked if the waste flow paragraph on page 32 might be eliminated because the current wording suggests that waste flow will be established in a future amendment. It was suggested that the wording should be changed to keep the establishment of waste flow open as a possibility rather than imply that the Plan is committing to waste flow in a future amendment. It was then suggested that the wording on page 32 be changed to replace the word "will" to "would" so that the sentence reads "The enactment of flow control would have to take place in a future amendment".

Mr. Smith predicted a possible result of waste flow. We will look like Sussex County with a tipping fee at \$100 a ton. Mr. Dech said the tipping fee under flow control could increase if the landfill accepted only Warren County trash. Mr. Murray sees the Plan committing for 30 or 40 years; Mr. Dech explained that the planning horizon for the solid waste plan is 20 years.

It was MOVED to approve with changes the Solid Waste Management Plan amendment and then forward to the County Commissioners, seconded by Mr. Niece; all in favor with one against and one abstention. So moved.

REMARKS FOR THE GOOD OF THE ORDER

Ms. Nerbak asked if another SWAC meeting should be cancelled because tonight's meeting was unscheduled on the yearly calendar. Members present stated that the regular meeting scheduled for September 2 should still be held.

Mr. Niece MOVED to adjourn at 8:30 p.m.

Respectfully submitted,

Ruth A. Panté, Clerk

**Next meeting date:
September 2, 2021**