

Louisville/Jefferson County Waste Management District

Advisory Committee Meeting Minutes

May 18, 2016

Louisville Metro Solid Waste Management-Large Conference Room
600 Meriwether Avenue

❖ Meeting was called to order by Chairman Greg Zahradnik at 4:30 p.m.
Committee members in attendance were Bob Schindler, Bruce Burrow, Darrell Shelton, Pat Stallard, Tim Darst and Sarah Lynn Cunningham.

❖ April 20th, 2016 Meeting Minutes were reviewed and accepted by acclamation.

Staff Report included in packet - Pete Flood reviewed:

1. Highlights included are listed below:

- *Public Education* by Angela Futter included the reminder of the Re-use Summit-with partner Partnership for a Green City. National speakers along with local speakers in attendance. Requested the members go online and register and get the word out. Also, working with collective impact group. 1st meeting held in February. Working to host 2nd meeting to figure out how to structure the roles and a communication platform (internal and external), probably end of June for that meeting.
- *Litter Abatement* is moving forward. Waste District puts up \$106,000 to Brightside and other crews. Running routes but not up to full speed. MOA being created with Department of Community Based Services to start working on another segment of participants. Looking to run litter routes on a “pro-active” basis instead of waiting for something, such as complaints. Currently working on a neighborhood cleanliness best practices committee. Has not been announced yet but focus is looking at root cause of litter. Creating another stakeholder type meeting. Educating in schools is considered. Damaged garbage carts, overflowing; dumpsters with no lids-is it causing the litter, etc. Illegal dumping is part of our mission.

**Sarah Lynn Cunningham* noted she has an idea of asking the retailers to ask the customer if they want their receipt, due to seeing several on the ground outside of the store. Mr. Flood believes this type of thing would come under this new pilot.

- *Community Host Agreement Committee* was requested to be created by the District Board. Meeting took place May 9, 2016 with Waste Management. Assistant County Attorney’s for the district were present as well as management of Solid Waste Management District. The representatives from Waste Management were Tim Wells, Robert Chaney, Ruth Willicker, their Sr. Counsel from Texas and one other rep. reviewed the purpose of the meeting. The main points were:
 - Wanted to discuss why they even need a Host Agreement (because it isn’t necessary) and feel other avenues that should be looked at before considering a host agreement.
 - Noted it isn’t a legal requirement.

- WM would rather use contracts such as with Department of Public Works, to make a long term agreement to take metro government waste that they would ensure disposal space for the county.
- WM asked why they have to cover all the capacity assurance when there are other haulers that take waste to other landfills.
- WM also feels an agreement that stipulates where waste can come from is not necessary. They feel they should have the ability to accept waste from anywhere. *This goes back to the capacity assurance and whether or not we really need to have a host community agreement.

Chairman Zahradnik questioned when the original host agreement was signed was any waste going out of Jefferson County. *Response by Ms. Cunningham*: Yes there was. It was not all going to Outer Loop.

Chairman Zahradnik mentioned that the advisory committee members haven't been involved in the direct talks with WM. From discussions with Keith Hackett, he stated that there wasn't a need to be in a hurry and that WM intentions were to keep the host agreement going. This is a surprise to hear that WM thinks they don't feel a host agreement is necessary, therefore, was the committee misinformed by Mr. Hackett. Mr. Flood responded that since this was the first official meeting WM may be positioning with the language and room for negotiation later. Mr. Flood can't say for sure. Ms. Cunningham felt this wasn't a priority for the administration.

Mr. Hackett stated he wasn't aware that WM was not going to execute the agreement.

Pat Stallard asked if the Host Agreement has a term and if it's significant. Mr. Flood stated it was a 20 year agreement with an expiration date of 2014 and that the community host agreement is an important document.

Ms. Cunningham stated it doesn't preclude a new one since the old one expired.

Mr. Flood noted that a one page agreement was created stating "until certain date of a new one written, the original will continue as is until such time an agreement is made". They did not want to sign that one page agreement. He further stated there isn't a legal requirement to have a host agreement with a disposal facility but there is a legal requirement for the county to assure capacity in some way or another. Currently not much should be read into it just yet since it was the first official meeting and nothing was agreed upon.

The next meeting is scheduled after some research has been done but there is not a date set for that next meeting. Mr. Irvin noted they were told they wanted something in principal by the end of this year.

The second topic discussed at the meeting with WM was the performance of the Bio-Reactor. If the agreement is to be renewed we would still needed to settle amendment #4 in respect to the performance of the bio-reactor and the addition of 70 other counties.

This issue was discussed with WM and Charlie Gillian from WM's Tennessee office stated they have always measured that performance and they have been sending it to us. Mr. Gillian was asked if they were measuring it by the terms in the host agreement amendment #4 and response was yes...up until 2014. Mr. Flood said he requested copies of any reports be forwarded to us now but to date nothing has been received by our office. Mr. Flood reminded the committee that per agreement #4, if the space is below 8% then they cannot accept from the 70 additional counties. Chairman Zahradnik suggested we pose that question to Marie Burnett since that data would come from her facility.

Mr. Burrow wanted to clarify that there is another component in there for the approval to accept liquids and liquids into a solid waste landfill is a different substance. By accepting the liquids, this would make the bio-reactor work therefore allowing them to take waste from the additional counties. Audience member Andy Reynolds of WM answered a question posed of what kind of liquid and that is wastewater.

Pat Stallard requested an explanation of what the intention/process is to lead to another host agreement to succeed the first one. Mr. Flood stated currently WM is not in violation because they have all the permits they need, but the county could be because they can't demonstrate capacity.

Third topic focused on license fees and verification of gross receipts. WM stated they can't really verify their gross receipts and asked for clarification on the definition of gross receipts. They currently certify that those numbers are right that they submit to us on the quarterly report.

- *10 year Solid Waste Management Plan Update* has been working up to the last 4 weeks. Information gathering is what has taken place. Trying to configure household #'s in certain sectors, what these will be called, etc. working with the GIS team to help. Information has been requested regarding routes. The survey monkey is what got sent out earlier in the week. The results of the survey are part of the information gathering. Committee members are requested to put this survey request out to everyone they know. *Bruce Burrow* asked if we were receiving the deliverables on the timeline that was agreed upon. Response: It is currently behind due to the difficulty getting the data that the consultant team needed. It was data only metro had control of through the GIS system.
- *LMCO Chapter 51 Committee* is set up in regards to HB 454. The makeup is looking to be changed. The first review of the ordinances as they stand is 90% done. Looking at Solid Waste Type entities. The last 10% will be completed after we seek advice from our county attorney. Another meeting request will go out soon to meet again to work on that.
- *New Committee By-Laws*: Staff presented the board with new by-laws. One of the changes is where the mayor appointed positions on the board is changing to add in that metro council will have to approve as well. Also any regulation adopted by the waste

district, the council will need to be notified of the changes within 4 days. The ordinance change doesn't say anything about them having to approve or disapprove, just that they need that notification. The other part is to change the makeup of the advisory committee to add back in the representative from the Jefferson County League of Cities. The board has recommended this to the advisory committee for review.

- *Keith Hackett* added in that the host agreement process won't happen quickly. It will take a little while.

- **Announcements:**

*Community Junk Drop-Off took place on Sunday, May 15 at the Outer Loop Landfill. Attendance was 410 cars.

Next scheduled meeting is June 15th, 2016 at 4:30 p.m.

Meeting was adjourned at 5:57 p.m.