

Minutes
Rockland County Solid Waste Management Authority
February 28, 2002

Members Present

C. St. Lawrence
S. Corallo
T. Dusanenko
F. Fornario
C. Holbrook
S. Hurley
T. Kleiner
H. Marshall
I. Schoenberger
F. Wassmer
Dr. Yarmus
K. Zebrowski

Members Absent

B. Berliner
E. Devine
D. Jobson
R. Karben
H. Marshall
H. Phillips

Others Present

R. Delo
A. Etelson
T. West
T. Pytlar
R. Wasserman
K. Scales
R. Fogerty
S. Orfini
H. Benado
J. Burnet
D. O'Donnell

The meeting was called to order at 5:15pm.

Item #3

Resolution No. 6 of 2002
Adoption of Minutes, Meeting of January 24, 2002

F. Fornario offered the following resolution, which was seconded by I. Schoenberger and was approved unanimously,

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meeting of January 24, 2002 as recorded by the Clerk are hereby adopted.

Item #4

REPORTS

T. Pytlar stated that WFC's primary activity has been assisting the Authority with the ongoing dispute with WM regarding the operation of the MRF. WFC has continued to observe WM's procedures in rejecting loads of recyclables because of unacceptable materials. WFC has been keeping records of the procedures that WM is using to reject the recyclable loads. WFC assisted the Authority is preparing a correspondence to WM about a violation of the Service Agreement. Reports were prepared on the rejected loads from the MRF. Following is a list of items that WFC is also working on:

- ?? Preparation of a design for the backyard composting area next to the greenhouse/conference center
- ?? Radiation Detectors requirements for the landfills, preparing a report

- ?? Preliminary cost estimate for the yardwaste facility on the Ramapo landfill site
- ?? Punch list work has been going on for the T/S scalehouse project. Preparing estimates of liquated damages due by the contractors. Reviewing contractors proposal for anvil topping

Executive Director

R. Delo stated that the Anvil topping on the preprocessing facility-tipping floor has failed. It is not adhering to the sub concrete surface. The Authority issued the contractor to remove and replace. The contractor came back with a fix and the Authority disagrees. This might be a potential for a dispute. The Authority feels very strongly that we paid for a new floor and that's what we should get. The Authority has lost both Weigher's at the scalehouse. R. Delo commended Camille Guido, Heather Schucker, Denis O'Donnell and Helene Benado for helping at the scalehouse until we get replacements. The Authority asked the Village of Hillburn for local residents who might be interested. Bennett Keilson has been onsite for the 2001 audit and the Board will have information as soon as possible. A meeting is scheduled with a Company from NJ to discuss food composting. The Company is very interested in working with the Authority to be a transfer point. The Company gets select food waste from shopping centers where the Authority would be a consolidation point. The food waste would be loaded into trailers and shipped to their composting facility in NJ. A proposal was made to the Authority and the Authority is now researching this idea with the NYSDEC. The Authority is thinking of doing a pilot program to see if there are any odors and/or problems. The Authority is working on a contingency plan for the operation of the MRF and coupling this plan with the operation of the new preprocessing facility. At the MRF The Town of Haverstraw had a few loads that have been rejected. Daminani is the Town's hauler, and maybe the Town can met with the hauler and discuss this matter.

C. St. Lawrence questioned if there are any problems with Miele Sanitation that services the Village of Haverstraw?

R. Delo answered no.

S. Hurley requested if the list could be circulated to everyone.

R. Delo accepted and will have it out tomorrow.

R. Delo stated that the Authority has been during outreach to educate the residents of the acceptable and unacceptable materials. Letters have gone out to each Town and Village. R. Delo feels that there have been some improvements but there is still a lot more to go.

C. St. Lawrence stated that it could also be the hauler having left over garbage in the truck.

R. Delo agreed and it is a matter of educating both.

S. Corallo questioned what is unacceptable?

R. Delo answered certain kinds of plastics. R. Delo stated that the Town of Haverstraw hauls their recyclables in roll off boxes to our facility; maybe residents that are dumping MSW and contaminating the consolidation area in Haverstraw. The Authority has received a swimming pool, appliances, and spackle buckets.

F. Fornario questioned what happens when loads are rejected?

R. Delo answered that the Authority is taking a stand and anything that comes from Rockland municipal we are processing even if it is a rejected load and the Authority has to pay WM a processing fee. Any material that comes in from a non Rockland municipal that is rejected we are going to the company and telling them they can pay the processing fee or take the material back.

F. Fornario questioned if the Authority is absorbing this fee?

R. Delo answered that who pays the fee has not been determined yet but R. Delo feels that the fee should be subtracted from the rebate that we would give the municipality.

Item #5

Discussion-Yardwaste Facility in the Town of Ramapo

C. St. Lawrence stated that the Town of Ramapo and the Authority has discussed putting a yardwaste facility on top of the landfill in Ramapo. However at this time C. St. Lawrence feels that it is costly to pursue this idea but will review the numbers in detail to be sure. C. St. Lawrence will research other properties in the Town and let the Authority know.

R. Delo stated that to make a yardwaste facility cost effective you need 25-30 acres.

C. St. Lawrence stated that the Town would do research and let the Authority know.

S. Hurley questioned what is the starting salary for the Weigher position and is it Civil Service?

R. Delo answered that it is a civil service position with no list right now. The starting salary is \$29,800 and if the individual has a CDL License to haul the Orange County Sludge the salary would be \$34,000.

H. Marshal questioned how the Authority is notifying the municipalities when one of their loads is rejected?

R. Delo answered that a phone call will be made to the mayor, DPW and/or carter.

H. Marshall stated that it is very prompt notification.

R. Delo agreed and stated that when WM rejects a load someone from the Authority has to go out to see the load and has to concur with WM and if the Authority does not agree WM has to test the load. If the Authority agrees then WM, WM does not have to test the load. WM has been testing all the loads that they want to reject. R. Delo stated that he assumes that WM is doing this for legal reasons. In some cases loads that were tested failed the test. WM is not always right but

on the list of rejected loads that will be circulated all have been tested and all have failed the excess limit of rejected material.

T. Kleiner stated that he and R. Delo took a tour 5 years ago of a backyard composting facility, and questioned if the idea now is the same as that tour?

R. Delo answered that this is a different company and the Authority will be doing the same idea of leaf composting at the greenhouse demonstration area. The real difference is that the Authority would be a transfer point. The Authority would not be doing the composting; the company has a composting facility in NJ that is at excess capacity. The Company has agreements with Shoprite, A&P, and Pathmart and what their problem is when they pick up from these stores in North NJ and Rockland it is too far to haul the waste in smaller trucks, so the Authority would be a transfer point for the Company to load into trailers. The Authority's location would be ideal for this Company because we are right off Route 17 and the NYS Thruway.

C. St. Lawrence stated that historically the Town of Ramapo has been against this type of operation of foodwaste composting due to the fear of what it would generate and the smell. There is no fear with what R. Delo is proposing because there is no overnight storage basically small trucks bring it in and transferring the foodwaste into trailers. The Authority can make almost \$18.00 per ton. This is a situation that the Authority can be giving a service and also makes money.

R. Delo stated that there would be no capital investment required since the Authority has a drop off area already located at the MRF and if this area is suitable this Company could really start tomorrow and it would not change any of the Authority's operations.

Item #6

Discussion- Radiological Waste Detectors at each Sludge Generator Facility

R. Delo stated that two loads of sludge from Orange County set the alarms off at the Authority's scalehouse. Orange County is still investigating this situation. The County Health Department was brought in recommended to the Authority to research installing detectors at each of the sludge generator facilities. The Health department does not like the idea that sludge is being hauled to our facility that might be hazardous. The Health Department would like to see any problems be detected at the generators facility and have it dealt with there. The Authority is estimating \$4,000-\$5,000 per plant for these detectors. With the five plants in Rockland County the Authority would be looking at \$20,000 - \$25,000 as an investment. The details are still being worked out. This is the 1st time that the Authority had to deal with this situation. This would be a good insurance policy for the Authority to have.

C. St. Lawrence questioned about the MSW that was County Health Complex, which had radiation in it?

R. Delo stated that the alarm was set off at our scalehouse and agreed with C. St. Lawrence that the Authority could have to do this for a lot of places.

C. Lawrence stated to get more information and the Board will discuss this next month.

Item #8
Executive Session

Motion to Open
Schoenberger/Kleiner Unan.

Motion to Close
Schoenberger/Zebrowski Unan.

Item #7

RESOLUTION NO. 7 OF 2002
RATIFYING THE AUTHORIZATION OF THE
COMMENCEMENT OF AND FURTHER AUTHORIZING
ACTIONS NECESSARY IN FURTHERANCE OF A
DECLARATORY JUDGMENT LAWSUIT AGAINST
WASTE MANAGEMENT OF NEW YORK L.L.C. AND
WASTE MANAGEMENT INC.:

WHEREAS, in 1992, the New York State Department of Environmental Conservation approved Rockland County's (the "County") Final Integrated Solid Waste Management Plan and Generic Environmental Impact Statement (the "SWMP/GEIS"); and

WHEREAS, the SWMP/GEIS sets forth a strategy that relies upon multiple waste management methods and facilities, including recycling; and

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") was formed in accordance with section 2053(e) *et seq.* of the Public Authority Law of the State of New York the ("Act"), and Resolution No. 301 of 1994 of the County legislature to implement certain provisions of the SWMP/GEIS and to construct solid waste management facilities; and

WHEREAS, the Authority and Waste Management of New York, L.L.C. (corporate successor to Waste Management of New York, a Division of W.M. of New York, Inc.) (the "Company") have executed a Materials Recovery Facility Design, Construction and Operation Agreement dated June 27, 1996 for the design, construction, start-up, acceptance testing, operation and maintenance of a materials recovery facility (the "MRF") and the marketing of recovered materials produced at the MRF, as amended by the First Amendment to the MRF Agreement dated as of June 26, 1997, the Second Amendment to the MRF Agreement dated as of September 26, 1997, the Third Amendment to the MRF Agreement dated as of March 26, 1998, the Fourth Amendment to the MRF Agreement dated as of January 28, 1999 and the Fifth Amendment to the MRF Agreement dated as of March 1, 2000 (the "MRF Agreement"); and

WHEREAS, on December 18, 2001, the Company served a notice, purportedly under Section 12.3 of the MRF Agreement, stating that the Authority was in default of material obligations thereunder; and

WHEREAS, the Authority does not agree with the Company's claim that the Authority is in default of such material obligations; and

WHEREAS, the Authority has authorized the retaining of the services of litigation counsel ("Litigation Counsel") in connection with such claim of event of default at its January 2002 meeting; and

WHEREAS, based upon the advice of Litigation Counsel, the Executive Committee approved the commencement of a declaratory judgment lawsuit against the Company and Waste Management Inc., the project guarantor, for the purpose of preventing the Company from inventing a so-called "default" by the Authority on a multimillion dollar processing and disposal contract, and using this alleged default to escape from a contract that is less profitable than the Company would like (the "Lawsuit"). A copy of the complaint filed in the Lawsuit is attached hereto as Exhibit A;

NOW, THEREFORE BE IT RESOLVED, that the Authority hereby ratifies the decision of the Executive Committee approving the commencement of the Lawsuit.

NOW, THEREFORE BE IT FURTHER RESOLVED, that, based on prior approval of the Chairman and the Executive Director, Litigation Counsel is hereby authorized to prepare and file all papers and take all actions as necessary in furtherance of the Lawsuit and undertake any other actions relating thereto.

Motion to Approve
Zebrowski/Dusanenko Unan.

Motion to adjourn
Fornario/Corallo Unan.

Respectfully Submitted
Camille Guido