

**OPEN SESSION MINUTES
WINNEBAGO COUNTY BOARD OF SUPERVISORS
SOLID WASTE MANAGEMENT BOARD**

DATE: April 20, 2011

TIME: 9:01 a.m.

LOCATION: Sunnyview Landfill
100 W. County Road Y
Oshkosh, WI

PRESENT: Pat O'Brien, Chairman
Ken Robl, Vice Chairman
Paul Eisen, Secretary
Jerry Finch
Gerald Konrad
Doug Nelson
Mike Easker (9:01 a.m. – 10:49 a.m.)
Pat Brennand (9:09 a.m. – 10:55 a.m.)

EXCUSED: David Albrecht

ALSO PRESENT: John Rabe, Director of Solid Waste
Adrienna Kumbier, Solid Waste Secretary
Jim Morris, Landfill Manager
John Fink, County Executive Assistant
Jennifer Semrau, Recycling Specialist (9:00 a.m. – 10:29 a.m.)
Jill Enz, Applied Ecological Services (9:04 a.m. – 9:48 a.m.)
Bruce Woods, Representative of Foth Infrastructure & Environment,
(9:04 a.m. – 9:48 a.m.)

1. Call to Order: P. O'Brien called the meeting to order at 9:01 a.m.
2. Approve Agenda: Motion to approve the April 20, 2011 agenda, made by K. Robl and seconded by J. Finch. Motion carried 6-0.
3. Public Comments on Agenda Items: None.
4. Announcements/Communications: None.
5. Approval of Minutes – April 6, 2011 Open Session: Motion to approve the April 6, 2011 open session minutes, made by J. Finch and seconded by K. Robl. Motion carried 6-0.
7. Discussion – Annual RUG Meeting Report: J. Semrau informed the Solid Waste Management Board (SWMB) that the Annual RUG Meeting held on Thursday, April 7, 2011 went very well. P. O'Brien, K. Robl and J. Finch were in attendance along with most of the municipalities. There

were three (3) municipalities that could not attend the meeting and informational packets were mailed out to them.

Discussion ensued amongst the SWMB.

6. Discussion/Action – Consider Authorization of End Use Plan Charette Design Proposal from Applied Ecological Services, Inc.: J. Rabe reminded the SWMB that Applied Ecological Services (AES) met with the SWMB on December 15, 2010 to discuss end use planning. AES provided a proposal to provide a charette design for the Sunnyview Landfill on January 28, 2011 and a revised proposal was prepared on April 4, 2011 to include both Snell Road and Sunnyview landfills in the charette design. J. Rabe introduced J. Enz from AES and B. Woods representing Foth Infrastructure & Environment (Foth) to the SWMB. J. Enz presented the SWMB with an overview of the AES Charette Design Proposal/Process.

Discussion ensued amongst the SWMB.

J. Rabe informed the SWMB that the proposal cost for the charette design for both Snell Road and Sunnyview Landfills is \$6,750. J. Rabe stated that there is not a specific line item in the 2011 Budget, but this work can be charged to the (870 Administration) Engineering Long-Term Planning budget item.

P. Eisen asked for examples of AES's expertise working on end use planning at landfills. J. Enz stated that AES has completed the end use plans/restoration planning for a landfill in Ladysmith, WI and two (2) landfills in New York. B. Woods added he has been a landscape architect for ~15 years and has worked on several landfills in Wisconsin (Racine, Johnson Creek and La Crosse County) as well as the Green Valley Landfill in Naperville, IL.

Discussion ensued amongst the SWMB.

Motion to authorize AES to perform End Use Plan Charette Design for the Sunnyview and Snell Road Landfills at a not to exceed cost of \$6,750 (from the 2011 Engineering Long-Term Planning budget), made by M. Easker and seconded by J. Finch. Motioned carried 8-0.

8. Discussion/Action – Proposed Governor's Budget (AB-27/SB-40) Update: J. Semrau updated the SWMB on what has transpired with the Governor's proposed budget since the April 6, 2011 SWMB meeting as follows:
 - Since the last SWMB meeting, the four (4) statewide recycling/solid waste organizations (Associated Recyclers of Wisconsin {AROW}, Solid Waste Association of North America {SWANA}, Wisconsin Counties Solid Waste Management Association {WCSWMA} and Council on Recycling {COR}) met with WDNR to discuss the budget as it relates to recycling on Friday, April 8, 2011. J. Semrau (as AROW's President), Chad Doverspike (Brown County, as SWANA's President), Meleesa Johnson (Marathon County, as WCSWMA's Chair) and Rick Meyers (City of Milwaukee, as Chair of Council on Recycling) met with WDNR Deputy Secretary Matt Moroney, Air and Waste Division Administrator Pat Stevens, Bureau of Waste and Materials Management (W&MM) Director Ann Coakley in Madison.

- WDNR indicated they had been asked for alternatives to continue recycling in Wisconsin, but under the assumption it would be different than present.
- WDNR asked for the ideas/alternatives from us representing the four (4) organizations, some of which were discussed, but we also agreed to provide written 'short term' and 'long term' options by April 15, 2011.
- The four (4) organizations also asked the WDNR if they had developed any alternatives that we might be able to review and offer our expertise/comments on and were told 'no.' However, on April 14, 2011 the four (4) organizations found out from the Milwaukee Journal Sentinel reporter that WDNR had in fact provided a 9-page memo to Governor Walker with their alternatives on March 30, 2011.
- The Milwaukee Journal Sentinel ran an article "Governor backs down on recycling" on April 16, 2011 which indicated Governor Walker is backing away on eliminating recycling and briefly described WDNR's and the 4 organization's options (shorter versions also ran in the Appleton Post Crescent and The Oshkosh Northwestern).
- Summary of WDNR's options:
 1. Responsible units (RU) that attain a minimum population size (25,000) or encompass an entire county would be eligible for per capita grant funding.
 2. RU's that consolidate to achieve a minimum population size or large responsible units that invest in additional efficiency measures would be eligible for per capita grant funding.
- The four (4) organizations have identified some flaws in WDNR's options:
 - No amount of allocations were suggested.
 - The WDNR is making an assumption that all RU's of less than a population of 25,000 are inefficient.
 - The WDNR has not defined inefficient, but are assuming that cost per unit is the measure of inefficiency (flawed assumption as it doesn't control for other variables).
 - No comprehensive studies have been conducted on what in the RU system is broken, what works, what needs to be fixed and what measures are necessary to fix them.
 - The proposal is quite punitive against small municipalities.
 - The proposal puts a burden on the mainly rural counties, where most of the municipalities are below a population of 25,000.
- The four (4) organization short term options include (in brief): status quo; \$7.00/ton fully allocated for recycling financial assistance and state staff funding, with suggestion the business surcharge could no longer be used for recycling; and study of long term sustainable funding options and restoration of a restructured Recycling Efficiency Incentive Program to incentivize real RU consolidation planning and implementation. Long term options include (in brief): product stewardship model, deposit legislation and combination of industry/state/local aid.
- J. Semrau testified at the Joint Finance Committee (JFC) in Neenah on April 13, 2011 (moved from Arcadia).

“My name is Jennifer Semrau, Recycling Specialist for Winnebago County, one of the partner Counties in the Brown, Outagamie, Winnebago Tri-County regional recycling program and President of the statewide organization, the Associated Recyclers of Wisconsin. You have previously received written testimony on my behalf from both.

First I would like to thank those courageous members of the Joint Finance Committee as well as Senator Cowles and Senator Ellis who have publically voiced their support of a strong recycling program in WI. Your leadership will be critical to ensure the recycling program developed over the past 20 years remains.

As many of you have stated, recycling is too important to our state’s environmental legacy and economy to remove the mandate and financial assistance. Here in NE WI our three counties have invested \$9.8M in a regional single stream recycling processing facility, maximizing program efficiency and ensuring the most cost effective operation. We employ local workers and sell 30,000 tons of paper to WI paper mills, many right here in the Valley. Across the State, DNR identified annual wages of \$1B and sales of \$5.7B tied to recycling.

As you know, the State’s successful recycling program is funded via a mechanism which makes sense. On each ton of solid waste, \$7.00/ton is charged and placed in the Segregated Recycling and Renewable Energy Fund. This Fund has been used to provide municipal recycling financial assistance. In the Governor’s budget, this \$7.00/ton would still be collected with \$0 going to recycling financial assistance. Clearly if this \$7.00/ton “recycling surcharge” continues to be collected, it should be used for recycling, as stated so eloquently by City of Neenah Mayor Scherck in his opening remarks.

Finally I would like to offer you assistance in ensuring recycling remains strong in WI, both on behalf of the Winnebago, Brown, and Outagamie County regional recycling program and as President of the statewide Associated Recyclers of WI. I would welcome you to view our recycling operations first hand, by touring the largest publicly owned and operated single stream recycling facility in WI, right here in Appleton, to learn more.

Thank you for your time today.”

- Mayor Scherck during his opening remarks (he was the very first speaker) expressed his dismay over the recycling proposals in Governor Walker’s budget including the loss of financial assistance and also brought up the 40% loss they will experience THIS YEAR when budgets had already been prepared/spent.
- On the afternoon of April 6, 2011, WDNR sent an email to all RUs indicating their grant would be less so they could “plan appropriately” (despite grant applications being submitted in October 2010).
- The Department of Administration (DOA) tells each agency how much they need to lapse in this budget year (ending June 30, 2011); for WDNR, they are required to lapse \$26.9M. WDNR is choosing to lapse ~\$13M from recycling grants (or 40% of the \$32M allocation). This amount is unprecedented (while lapses from the recycling grants occurred in 2009 and 2010, they were ~10% and ~5%, respectively).

- The four (4) state recycling/solid waste organizations continue to meet weekly (Wednesdays at 10:00 a.m.) to strategize and continue messaging.
- On April 21, 2011 members of these organizations are meeting with members of the JFC individually in Madison to discuss recycling, including Nygren, Olsen and Vos.
- A survey was conducted of RUs (La Follette study), with a response rate of about 20%; when asked “how do you anticipate the removal of state recycling mandates and financial assistance will impact your recycling program?” 12% indicated “elimination of recycling in municipality” and 37% indicated “reduction in recycling services.”
- Finally, the UW-System Solid Waste Research Council announced yesterday they will be funding a project on Effectiveness of Recycling for Wisconsin RUs at UW-Green Bay.
- The project will study RU data from 2007-2010 to analyze performance and determine opportunities to improve the economic efficiency of recycling in Wisconsin. Data to be evaluated includes collection methods, processing methods, materials and weights collected actual recycling costs, outreach and waste reduction efforts, size of the RU, population density, etc. A multiple regression analysis will be utilized to determine which variables are most significant in the efficient operation of recycling programs.
- Unfortunately the project results are not projected until ~June 2012.

Handouts of the articles, WDNR memo and the four (4) organization alternatives were provided to the SWMB.

Discussion ensued amongst the SWMB.

P. Eisen informed the SWMB that he attended a listening session and the University of Wisconsin Oshkosh on April 9, 2011 and the JFC meeting on April 13, 2011. P. Eisen stated that he was able to speak at both events promoting the cheaper costs to recycle than landfill.

Motion to authorize staff to draft a letter on behalf of the SWMB opposing the WDNR’s 40% reduction in recycling grants for the biennium ending June 30, 2011, made by J. Finch and seconded by P. Brennand. Motion carried 8-0.

Discussion ensued amongst the SWMB regarding the pros and cons of consolidating RUs of populations less than 25,000 and the pros and cons of Winnebago County (WC) becoming an RU.

9. Discussion/Action – Consider Award of 2011 Sequence C-3 Final Cover Construction Project (SW03-11): J. Rabe updated the SWMB on the 2011 Sequence C-3 Final Cover Construction Project (SW03-11). The project involves the construction of 11.4 acres of final cover over portion of the east & south slopes of the Sunnyview Landfill Co-Disposal site as follows:

- 6” grading layer
- 2’ compacted clay cap
- 40 mil LLDPE geomembrane
- 1’ Sand (alternate - geocomposite drainage layer)
- 1.5’ (alternate - 2.5’ Rooting zone layer; and contractor supplied)
- 6” topsoil layer

The 2011 Budget Amount is \$1,500,000 (Non-Budget Closure – 15 acres). The pre-bid meeting was held on March 23, 2011 and the bids were due/opened on April 5, 2011. The Bid Tally Summary showed six (6) bids were received. Option 1 (sand drainage layer) base bids ranged from \$1,087,360 to \$1,447,275 and Option 2 (geocomposite drainage layer) base bids ranged from \$943,360 to \$1,360,300. Alternate Bid Item 5A was for contractor provided rooting zone material.

The lowest apparent bid for Option 1 and Option 2 (including the alternate) are as follows:

Option 1 Base Bid (Mueller) =	\$1,087,360
Option 1 with Alternate 5A (Integrity) =	\$1,478,162
Option 2 Base Bid (Mueller) =	\$943,360
Option 2 with Alternate 5A (RiverView) =	\$1,306,805

J. Rabe recommend to the SWMB to award Option 2 base bid to Mueller Excavating Inc. (Mueller) at a cost of \$943,360.

J. Rabe informed the SWMB that Gordy Weiss from Mueller would be the on-site foreman/project manager and has considerable geosynthetic final cover experience at various private landfill sites (Veolia) over the past 5 years. Gordy Weiss also served as the project manager for the Phase 5 liner construction project (8.5 acres) in 2004 while employed by Town & Country Underground Utility Construction.

Discussion ensued amongst the SWMB.

Motion to award Muller Excavating Inc. the Sequence C-3 Final Cover Construction Project (SW03-11) in the amount not to exceed \$943,360, made by G. Konrad and seconded by J. Finch. Motion carried 8-0.

10. Discussion – Seagull Mitigation Plan Update: J. Rabe informed the SWMB that the USDA-Wildlife Services personnel started the seagull harassment plan on April 13, 2011 utilizing pyrotechnics to begin the process of attempting to reduce seagull numbers at the Sunnyview Landfill (previously discussed with the SWMB on December 1, 2010). A Cooperative Service Agreement is in place for a 2-week duration at a not to exceed cost of \$4,779.

USDA personnel notified the Oshkosh Police Department, WC Sheriffs Department and WDNR wardens in advance in case public calls were received. The USDA has the required permits to discharge pyrotechnics in the City of Oshkosh.

J. Rabe informed the SWMB that the seagull harassment plan involves launching “bird bangers” and “screamer sirens” while on-site using a cap pistol, attempting to “train” the birds that the landfill is not a “welcome” place for them to visit.

J. Rabe summarized the results after 1 week as follows:

- USDA personnel on-site each day during normal landfill operating hours (including Saturdays) discharging pyrotechnics to keep the seagulls away from the site.
- USDA personnel have typically shot off over 100 pyrotechnics daily and harassing ~3,000 seagulls.
- After initial success, ~300-500 seagulls are not leaving the site using pyrotechnics alone.

J. Rabe stated that the USDA personnel are recommending the plans for week 2 which involves the use of lethal methods to reinforce the pyrotechnics harassment. A shotgun will be used to take selective numbers of seagulls (Federal Depredation Permit required – USDA personnel have the necessary permit). USDA personnel will again notify the local agencies of our intent to begin lethal methods and safety is their/our #1 concern.

Discussion ensued amongst the SWMB.

11. Future Agenda Items: P. Eisen stated he would like an update on Fox Valley Energy Center.
12. Set Next Meeting Date: The next meeting date will be May 4, 2011 at 9:00 a.m.
13. Adjournment: Motion to adjourn made by J. Finch and seconded by P. Brennand. Motion carried 7-0. Meeting was adjourned at 10:55 a.m.

Respectfully Submitted,

Adrienna Kumbier
Solid Waste Secretary

Approved by SWMB – May 4, 2011