

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

DATE: November 5, 2014

TIME: 9:01 a.m.

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

PRESENT: Pat O'Brien, Chairman
Paul Eisen, Secretary
David Albrecht
Mike Easker (9:01 a.m. - 10:24 a.m.)
Gerry Konrad
Susan Locke

EXCUSED: Ken Robl, Vice Chairman
Jerry Finch
Doug Nelson

ALSO PRESENT: John Rabe, Director of Solid Waste
Kathy Hutter, Confidential Secretary
Kurt Pernsteiner, Facility Manager
Jennifer Semrau, Recycling Specialist (9:01 a.m. - 10:23 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 November 5, 2014 agenda with Item 9 moved between Items 7 and 8, made by S. Locke and seconded by G. Konrad. Motion carried 6-0.
3. Public Comments on Agenda Items: None.
4. Announcement/Communications: J. Rabe informed the Solid Waste Management Board (SWMB) that on October 29, 2014 the SWMB 2015 Budget (Budget) was reviewed by the Winnebago County (WC) Board. During the Budget review, P. Eisen briefly spoke about the SWMB and J. Rabe summarized the Brown, Outagamie and Winnebago County (BOW) solid waste and recycling arrangements. There were limited questions by the WC Board.
5. Approval of Minutes – October 15, 2014 Open and Closed Session: Motion to approve the October 15, 2014 open and closed session minutes, made by G. Konrad and seconded by M. Easker. Motion carried 6-0.

6. Discussion/Action – 2013 SWMB Annual Report: J. Rabe presented the 2013 SWMB Annual Report to the SWMB members. J. Rabe explained that changes made to the 2013 SWMB Annual Report reflect the transition from WC hosting the regional landfill site to primarily transfer station operations. J. Rabe reviewed the updated department functions and activities from 2013 and advised that he would still make minor changes to the WC Solid Waste tonnage summary.

Discussion ensued amongst the SWMB.

Motion to approve the 2013 SWMB Annual Report with discussed changes made by M. Easker and seconded by G. Konrad. Motion carried 6-0.

7. Discussion – DEA Controlled Substance Final Rule Update: J. Semrau presented the following DEA Controlled Substance Final Rule (Rule) Update to the SWMB.

Background

- The Rule implements “Secure and Responsible Drug Disposal Act of 2010”
- The draft Rule was issued in December 2012 with public comments accepted until February 2013.
- In January 2013, a summary of the draft Rule/issues was provided to the SWMB.
- In February 2013, WC/SWMB provided written comments to the DEA on the proposed Rule.
- The final Rule was issued on September 9, 2014.
- The purpose of the Act/Rule was to expand options available to collect controlled substances from ultimate users for the purpose of disposal (including take-back events, mail-back programs and collection receptacle locations).
- Previously, only law enforcement was authorized to accept controlled substances from ultimate users.
- The Rule allows other authorized parties, including manufacturers, distributors, reverse distributors and pharmacies to voluntarily administer take-back programs.
- The Rule went into effect on October 9, 2014.
- The primary issue with the draft Rule was prohibition of sorting collected medications. Sorting allows for the elimination of packaging (waste/recycling), managing non-controlled substances from controlled substances, reduces storage space required and ensures that prohibited items (needles, aerosols, mercury, etc.) are removed from the medication stream.

Final Rule

- The Rule does allow new authorized parties, such as pharmacies, to collect unwanted medications, including controlled substances and outlines specific requirements that must be followed (including type of collection receptacle, liner, staffing, record keeping, sorting prohibitions, disposal and time frame requirements).
- This is completely voluntary for pharmacies; no funding is provided for the operation of programs or disposal of collected medications.
- The Rule does allow law enforcement to continue to operate ‘status quo.’ Materials may be sorted and managed by law enforcement as they have in the past.

- DEA also announced they would no longer sponsor national, twice a year “take-back” events; the last event took place on September 27, 2014.

Implications of New Rule

- Medication collection box sites that were using the free DEA “take-back” events will have to use alternative methods for disposal (approved by Wisconsin Department of Natural Resources [WDNR]).
- Per WDNR, some collection sites are opting to discontinue their programs.
- No national pharmacy chain has indicated a plan to accept pharmaceuticals. It is likely too costly for a local pharmacy to start a medication collection program.
- At this time, the 3 collection box sites located in WC plan to continue their programs.
- In 2014, a Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) grant received by WC on behalf of Calumet, Outagamie and WC (COW) should cover disposal expenses. On behalf of COW, WC has also applied for a 2015 DATCP medication disposal grant.
- In December 2014, COW will participate in a statewide witness burn (of collected medications) with Veolia Environmental Services (DATCP contracted medication disposal service).
- The Lake Winnebago Area Metropolitan Enforcement Group (MEG) Unit has also offered to assist in medication disposal.
- Another disposal option utilizes Covanta in Indianapolis, IN (free disposal for law enforcement; requires law enforcement agency to deliver the medications).

Discussion ensued amongst the SWMB.

9. Discussion/Action – Municipal Solid Waste/Recycling Agreement for the Town of Winchester: J. Rabe explained to the SWMB that the Municipal Solid Waste/Recycling (MSW/SSR) Agreement for the Town of Winchester was last discussed at the October 15, 2014 closed session meeting. At that time, the SWMB members seemed favorable to allow the Town of Winchester to enter into a MSW/SSR Agreement with the SWMB under the current terms. J. Rabe consulted with Stuart Herro, Attorney, DeWitt Ross & Stevens, to discuss the legal documentation needed to allow a new municipality to sign under the current MSW/SSR Agreement. S. Herro can provide draft Agreement documents for discussion and consideration at the November 19, 2014 SWMB meeting. J. Rabe also reported that J. Semrau will meet with the Town of Winchester and their contract solid waste and recycling hauler, Advanced Disposal Service (ADS) on November 5, 2014 to further discuss WC Signing Municipality benefits and terms outlined by the SWMB.

Discussion ensued amongst the SWMB.

Motion made to authorize J. Rabe to work with S. Herro to develop legal documents that will enable the SWMB to use the existing MSW/SSR Agreement for the Town of Winchester, made by P. Eisen and seconded by M. Easker. Motion carried 6-0.

8. Discussion – EAB Debris Management Planning: J. Rabe explained to the SWMB that in August 2013, WC became an emerald ash borer (EAB) quarantine County. Facilities & Property Management is currently completing an EAB affected tree survey of WC properties

and intends to use SWMB facilities for EAB debris disposal. The SWMB may also see an influx of EAB debris from municipalities and other sources over the next few years. J. Rabe inquired about EAB Debris Management Plans with Brown County, Outagamie County and WDNR and researched municipal collection site EAB debris disposal. J. Rabe presented the following information to the SWMB and asked the SWMB to discuss an EAB Debris Management Plan.

- Outagamie and Brown Counties (both EAB quarantined) do not have EAB Debris Management Plans
- Valerie Joosten, WDNR site Engineer for SWMB facilities, stated WDNR expected that the majority of EAB debris handled at municipal collection sites would be composted, used as mulch or biomass fuel.
- The Detailed Guide to Wisconsin's Regulations on Transport, Utilization and Disposal of Ash Wood (October 16, 2013 - DATCP) outlines possible options:
 - Grinding/chipping - must be pieces smaller than 1" x 1" (in 2 dimensions); can be used for landfill alternate daily cover, mulch or biomass fuel. Transportation is limited to quarantined counties only and permits may be required.
 - Landfill or non-landfill disposal with 12" soil cap.
 - Burn site; WDNR permit required.

J. Rabe stated that grinding options are limited, dependant on staffing levels and workload. J. Rabe recommended SWMB Staff outreach to communities to determine EAB debris management needs and continue to research disposal options.

Discussion ensued amongst the SWMB.

P. O'Brien asked J. Rabe to develop a brief EAB Debris Management Policy Statement to consider at a future SWMB meeting.

10. Future Agenda Items: None.

11. Set Next Meeting Date: The next SWMB meeting date is scheduled for November 19, 2014 at 9:00 a.m.

12. Adjournment: Motion to adjourn made by G. Konrad and seconded by S. Locke. Motion carried 5-0. Meeting was adjourned at 10:45 a.m.

Respectfully Submitted,

Kathy Hutter
Confidential Secretary

Approved by SWMB – November 19, 2014