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MEMORANDUM

TO: Regional Steering Committee Members
5-County Regional Plan
Columbia, Lycoming, Montour, Snyder and Union Counties

FROM: Terry D. Keene, Sr. Managing Engineer
Barton & Loguidice, P.C.

DATE: February 15, 2012

RE: Solicitation of Interest Submissions, Reviews and Recommendations
5-County Region SOI for Municipal Waste Processing/ Disposal Capacity
And Integrated Waste and Recyclables Management Program Support

A Solicitation of Interest (SOI) document was prepared that requests facilities to commit up to ten years of processing/ disposal capacity for acceptance of the 5-County Region's municipal waste, as required by the PA Act 101 County Planning Process. This SOI document also solicits optional support for an enhanced and expanded integrated waste and recyclables management program (IWRMP), in line with initiatives developed through the 5-County Regional Planning process and in accordance with goals identified by the Stakeholder Groups for the Regional Plan. The SOI contains minimum criteria under which Submittals are reviewed in a "pass-fail" screening process, in which items such as minimum quantity and duration guarantees for disposal capacity assurance, willingness to consider and discuss ideas of if and how the IWRMP goals of the Region may be supported, and other items are evaluated for compliance with the requirements of the SOI. All facilities that "pass" the screening process become eligible for inclusion in the Regional Plan as Designated Facilities, subject to execution of appropriate disposal capacity agreements once the Regional Plan is finalized and approved.

Transfer stations handling municipal waste from the 5-County Region are also asked in the SOI to make a simplified response, committing to proper identification of transferred municipal waste by original county of origin, agreeing to deliver municipal waste to Designated Facilities in the Regional Plan for disposal as required by PADEP, and entering an agreement with the 5-County Region to confirm these points.

The above-referenced Solicitation of Interest document was prepared for release in September 2011, subsequent to PADEP negotiations with 5-County Region representatives that occurred in mid-2011, resulting in PADEP acceptance and approval of the final draft SOI document language and approach. During meetings with PADEP, Lycoming County agreed to recuse itself from the SOI preparation and the Submittal review/ evaluation/ recommendation process, to avoid any suggestion of a potential conflict of interest created by the fact that the Lycoming County RMS landfill may also be a Respondent to the SOI. The SOI solicitation document was created by Barton & Loguidice, with input from other members of the Consulting Team for this project, on behalf of the 5-County Region. An SOI Evaluation Team was established to consider findings and recommendations of the review process from LR Kimball and Barton and Loguidice of the Consultant Team. In addition to the

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Consultants, the Evaluation Team had representation from the four (4) remaining counties (minus Lycoming) in the 5-County Region.

The SOI release was advertised in September of 2011 in three local newspapers in the Region; was advertised in the national Waste Age trade publication; and was advertised in the PA Bulletin. In addition, an effort was made to send personal SOI release announcements to all facilities that had accepted any significant amount of waste from the 5 counties over the past 8-10 years, and to all transfer stations that were known to be serving the geographic region. During the open period for the SOI, some objection letters were submitted by various groups regarding the SOI. These comments were reviewed with counsel and with the Evaluation Team, and determined not to have merit.

The original Submittal deadline of November 4, 2011 was extended until November 18, 2011 at the request of several disposal sites who asked for additional response time. By the due date, a total of thirteen (13) landfills and four (4) transfer stations had submitted responses to the SOI. Table 1 contains a summary of Submittal information and completeness details from each of the landfills and transfer stations that responded to the SOI in a timely manner. Table 1 also contains footnotes that clarify Respondents' positions on certain items. Table 2 contains ceiling tip fees that each disposal facility has committed to offer for disposal of 5-County Regional municipal waste over the next ten (10) years. (Note that these ceiling tip fees do not necessarily reflect the rates that will actually be charged at the facility, just the maximum fees that could be charged by contract each year, over the agreement period. These rates also do not include the transportation costs for delivery of material to the facilities, which will naturally be higher for facilities located farther from the Region.)

After the November 18 due date, Baron & Loguidice received one general inquiry from an additional processing/ disposal site on the SOI. Considering the SOI release was well-publicized, and that the five (5) counties are under a Consent Order and Agreement deadline to complete the plan in 2012, there is no interest in jeopardizing the Region's ability to comply with this deadline by extending or expanding current activities. Therefore, after conferring with Evaluation Team, it was decided to not accept additional disposal site submissions after the November 18, 2011 deadline, but instead, to allow new Submittals to be accepted and evaluated through the proposed Process to Add a Facility to the Plan (which will be a part of the new Regional Plan), once the Regional Plan is finalized and approved by PADEP. The delinquent inquiring processing/ disposal site was notified accordingly.

The Evaluation Team met to review preliminary findings and recommendations from the Consultants in early December 2011. As a result of these meetings, requests for further clarification on Submittals were extended to six (6) landfills and one (1) transfer station, all of which complied with the request to further clarify their Submittals. Representatives of the Evaluation Team also met with two prospective disposal sites in mid-December to further clarify details of their submissions in person. It was decided that interviews with the remaining disposal sites were not necessary to further clarify or confirm their proposal details.

Tables 1 and 2 summarize the Submittal information received from Respondents, including the latest clarifications to the Submittals. Areas where information is still lacking, and/ or where portions of Submittals were determined to be deficient, are shown in Table 1 with dark shading. These outstanding deficiencies are minimal, and are as follows:

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1. The four (4) Interstate Waste Services facilities did not submit a cover letter as requested in the SOI; this deficiency is considered minor and it is recommended that this requirement be waived.
2. Tunnel Hill Reclamation Landfill in Ohio only submitted one (1) copy of its Submittal, not seven (7) copies as stated in the SOI. They also did not respond to the question on whether they were taking exception to the SOI Scope or Specifications, but this is believed to indicate acceptance of the terms. They also indicated that they did not believe they could offer any optional support to the IWRMP of the Region, due to their distance from the Region. The long distance to that site is acknowledged (several hundred miles or more), and it is recommended that the Tunnel Hill facility be accepted for inclusion in the Regional Plan.
3. The Waste Management Inc. transfer station in Coal Township did not definitively state that they would ship transferred municipal waste from the 5-County Region only to Designated Facilities in the Plan, but tied their reservation on this issue to whether its four (4) landfills become Designated Facilities in the Plan (which is recommended here). Therefore, it is recommended that the Coal Township transfer station be recognized as a transfer station in the Regional Plan, subject to its entering a Transfer Station Agreement with the Region (a draft of this agreement was included in the SOI), and agreeing to the requested minimum agreement terms.

The other disposal sites and the other transfer stations that submitted responses to the SOI have met the minimum screening criteria. It is recommended that all thirteen (13) disposal sites that responded to the SOI be tentatively identified in the 5-County Regional Plan as Designated Facilities, and that all four (4) transfer station Respondents that responded be recognized in the plan, all subject to entering respective agreements with the 5-County Region once the Regional Plan is finalized and approved by PADEP.