

MEETING NOTES
Regional Solid Waste Plan Advisory Committee
***Solid Waste Haulers Stakeholders Meeting #1**

Date of Meeting: 7:00 PM, Wednesday, June 30, 2010
Meeting Location: Union County Government Center
155 North 15th Street, Lewisburg, PA
Meeting #: **Solid Waste Haulers Stakeholder Meeting #1**
Attendees: See Attached Sign In Sheet

Mike Goldman started the meeting. He asked everyone to introduce themselves. Briefly discussed the overview. The whole point of this thing is that every 10 years counties are required to submit a solid waste plan to make sure they have enough disposal capacity for the next 10 years. Regulations say the input has to come from groups like this, including solid waste haulers. This plan needs input from the haulers. It is in no way a foregone conclusion. Information received from you will be provided to the other stakeholder groups and information from the other stakeholder groups will be passed on to you. This way everyone is involved in the process of this plan. Five different stakeholder groups are the source of input into this plan. Mike turned the meeting over to Terry Keene.

Terry reviewed some housekeeping items which includes signing in and out for the in-kind services match, keeping mileage for travel, also for the in-kind services match, doing as much as we can electronically, handed out the most recent schedule, handed out the list of Solid Waste Haulers Stakeholder Committee members and asked everyone to please make sure all their information is filled out completely, gave everyone the website for the plan process, and requested that one person from this committee be designated to serve on the Steering committee. Terry asked that before this meeting is over to please designate a person. Terry briefly went over the PowerPoint presentation and pointed out the map of all five (5) counties and its landfills and transfer stations (for those that had not attended the previous meetings). Terry took additional time with this group to review the waste shed planning process that will be a part of this plan. Dave commented that the waste shed analysis would be including recyclables.

Terry commented that there is a lot of focus on interaction in this process. We want to get feedback, we want to have stakeholders involved and we need to keep DEP involved so they can approve it in the end. Terry turned it back over to Mike Goldman. Mike asked everyone to look at the Agenda. He looked at the concerns that some haulers may have. State regulates haulers in terms of weight; for example there is a 17K lb rule – how does it affect you? Big haulers say its not fair, small haulers say they love it. Are there any small haulers here? No. Jack Pyers thinks the under 17K lb rule needs to be addressed in this plan. They run unlicensed, uninsured, there's no regulations when they come into landfill, no workman's comp, he suggested it would be a good way for some of the counties to regulate the under 17k lb rule. It would be much easier for the counties to deal with it. Mike Goldman commented that the state regulation says over 17k GVW is regulated by the state, under 17k is not. The question Mike wants to get an answer to is

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do we think this plan should make a recommendation that we regulate under 17k lbs. Dave said he's not sure if counties have the ability to regulate but we could make a recommendation for that. Jack stated that if the state isn't licensing and chooses not to deal with those people, that opens the door for the county and if the county doesn't want to deal with it, the municipalities can deal with it. Terry said it might be open to possible county licensing. Jack commented that they should at least set insurance or equipment standards. Kevin Witmer with B&W Disposal said Jack doesn't care if they have insurance; he cares about the competition. It's something you have to address at the county level. The bottom line is because of their reduction in overhead is why they can do it cheaper. Kevin stated that they are cutting corners and that rule is asking the big haulers to abide by the regulations but allowing the little haulers to skirt around the regulations and cut corners. Those haulers are hindering our bottom line. Jack rebutted that he does care, and gave an example of an uninsured hauler. If they have an accident, it reflects back on all haulers. Mike commented that the battle is like those of storeowners and street vendors. Fair example.

Dave Minnear asked if the haulers have the opinion that there are a lot of these small haulers in the region. Ted Heaps of Heaps Container Services stated that he has them, but they are his customers. They are limited to what they can do. Most of what they get are people that aren't paying their bills. Mike is asking if this is an issue that needs to be addressed in the plan. Ted agrees that it needs to be addressed. These guys are flying below the radar. They don't have the proper trucks. Ralph Reedy said that he feels the same way. They'll haul away the trash anyway they have access to it. Ron Miller said if you're going to change the rules and take pickups off him, you have to take them off all of them. Dave said it's not an argument of not using trucks a certain size. The question is controls and requirements. Kevin Witmer stated that you should regulate them at the point of dumping. Let's be realistic – anything you put in the rules, you have to figure out if it has teeth and those teeth are going to determine a lot. It's a point of contention. John Schnure from Schnure's Disposal in Mifflinbug commented that you're not allowed to pickup without a truck with enclosed compartments. They can't just be tarped. Montour County said they don't have that ordinance; you can pick up trash in a car. Kevin Witmer asked who enforces that. It either becomes an issue for trash police or it goes to the landfills and transfer stations. Darrin Hamm has a different opinion. He is a proponent of less regulation. He has no problem with competition. It's not a problem for him. Kevin McJunkin asked if some of these small haulers are going to places that are just not feasible for larger haulers to go. Darrin stated that it is a cash business. The big haulers go where the small ones go. Dan Hannan said this issue doesn't affect him for what his business is. His company has invested into bigger trucks so they can haul more at a time, and that has cut our costs of transportation. Guys with smaller trucks have a hard time competing. Dan feels that the more regulations you add come back and bite you. Less is better as far as government. Trash police is not a far-fetched idea. Dave

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Minnear commented that the County Commissioners do not want us to put in the plan to hire trash police.

George and Gary Fisher of Fisher Disposal commented that they don't personally have a problem with the guy in the pickup truck. To them it's no threat. In order to dump at the landfill, they have to have proof of insurance. They have to have everything the big trucks have in order to dump. They don't understand why this conversation is taking place.

Mike Goldman said half the group says yes and half says no. Dave Minnear asked if the issue is different where it's rural and agricultural? Jack stated that his intention was not to put the pickup truck out of business. The point is that they are not licensed. There should be some licensing and regulations so everyone adheres to the same rules. If they are doing their job right, even running it out of a pickup truck, he has no problem with that.

Steve Tucker stated that the City of Williamsport enacted rules due to complaints from residents. It may come back as a municipal ordinance. Municipalities can probably do that now. He asked everyone to consider it. Kerry Tyson stated that he agrees it can be a problem, he's wondering who is going to enforce it. The municipal approach could possibly be the right way. Mike asked if we want to shift it to the municipalities. Gary Fisher stated that the municipalities don't have the money to do that. Jack stated that the landfills are not licensed. Kerry said if you're hauling refuse for a business, it comes down to who's going to enforce it. Jay Alexander of the Wayne Township Landfill commented that you guys are talking about something that from a business standpoint amounts to 0.5% of the business that enters the landfill. Why are you guys are talking about 0.5 % of what goes on at the landfill? Jack said he operates at Sunbury. Ron Miller recommended everyone to go to your County Commissioners and they can change it. Mike Goldman reiterated that the question remains if another committee, or if this committee, should address it or drop it? Jack answered that the majority rules. Terry commented that we're not looking for answers here; we're just looking for input. Dave said maybe we should drop this discussion now, and bring it up at the next meeting so everyone can think about it until the next meeting. Everyone was in agreement.

Mike moved on to waste sheds. He's looking for feedback on how you see the waste shed issue; your thoughts on waste sheds, or do you want more information?

Dan Hannan commented that if we are using it to collect data so we can plan long term, he feels no big deal except we're establishing where it comes from. If we go beyond and recommend where the waste should go, etc., that's when we'll get into sticky situations. As he commented before, less involvement, fewer regulations are better. As long as you're hauling to a DEP-approved dumping site, you should be able to go wherever you want. There should be no limitations on where waste can go. If you're looking for data

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and where, how, etc., that's OK. Mike commented that the purpose of this document is to guarantee 10 years of capacity for the region. Dan stated that guaranteeing capacity is a good thing. When you steer waste in certain directions, you'll lose capacity. If you say in this area you should be going to this facility, it's not good. If you leave it open and let competition work the way it should, as long as guys do what they should, there's no problem with capacity. Space is a valuable thing. Dave stated that the intent is not to tell you what landfill you need to go to. Dan Hannan asked that if you could go to any facility that has to do with this plan, then why do you need that end phrase in there? Dave stated that we have to have a series of agreements with landfills. One of the counties needs to supply data. Darrin Hamm stated he'd like that in writing so he has something that says no one tells him how to run his business. As long as you have an agreement with that landfill, take it anywhere you want. Dave stated that DEP requires advertising (RFP) for disposal capacity in this region, and disposal facilities that respond and are included in the plan enter disposal agreements with the counties. It is required to give them the opportunity to build their business.

Jack stated that he assumes we'll do an RFP, and if anyone is interested in being a part of this plan, submit a proposal to be included in the plan. Kevin Witmer said so basically they respond, but it doesn't mean they're in the plan. He asked what puts them in the plan. Dave said the process would be to prepare an agreement; DEP has to agree to the plan, they approach each person who is interested, give them a form, you have a DEP permit to operate, you can operate for 10 years, you will tell us that you guarantee your capacity for 10 years, and possibility to negotiate a fee with the landfill; items such as these. Dave said there would also be a petition process for landfills to be added to the plan at a later date.

Dan Hannan said enforcement, what happens, how is it going to be laid out? Dave stated that in this case, maybe it would be a regional agreement or five different agreements per County. We're not there yet. Kerry stated that it could be a menu plan. Dan commented that he could see a direct advantage to a County not to accept the plan. Lycoming Landfill is a county-owned landfill. Dave Minnear advised that Lycoming is the one who prepared the map that shows all the landfills and transfer stations in the region. Dan stated that if there are limitations, 10 years down the road there would be more limitations. Jack Pyers stated that there is sensitivity here because everyone was subject to the last plan and the flow control issues in the plan that's about to expire. Kerry stated that it's not that simple for a County to say you HAVE to go there for your dumping. Steve Tucker asked Jay Alexander if he is allowed to accept waste from any county of the Commonwealth. He asked if it has to be written in the plan. Jay said no – there is a permit condition. Jay said no one would lay an answer on the table. Lycoming's Planning department has been asked several times questions like, if I load my truck will I have a choice of where I go? The answer up until now has been no. The haulers are sensitive because they can't get a straight answer. Kevin McJunkin stated that he

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believes that there will be no absolute restrictions on waste. Jay Alexander told Kevin McJunkin that he needs to stop sending the clouded message to the haulers. Kevin told Jay that he needs to stop sending that clouded message. Jay has pride in the industry. Everyone has asked technical questions and they don't get an answer. That creates concerns. Everyone in the room has lived through flow control (not in the last 10 years) but it's about dictation and no choices. It's very touchy. When they don't get an answer, it leads them to believe its flow control. Steve Tucker stated that they just got an answer. Jay stated that he believes that if everyone asks the question if they load their truck in a certain geographical area, will they be able to choose where they can dump it, no one has been able to answer that. As a landfill, you have to be named in their plan in order to dump it.

Jack Pyers asked if the heart of this plan is going to be a menu system. Will there be a menu available to the haulers to use? Does that mean that they can go to any of the landfills in this 5 county area? There is a petition process to add them to the plan if you find a landfill that's not currently listed in the plan. Dan Hannan asked if they would pay fees if they were not included. Dave responded that DEP collects fees and the county can assess a host fee. If it's out of the county, they can negotiate a fee. Dan asked if there is a fee to a landfill to be part of this plan (i.e., application fee)? Jack stated that since this is a regional plan, when you say a County, it makes everyone nervous. Isn't that why waste sheds are trying to be determined, so you have guarantees of capacity? Terry said when they respond to the RFP, they have to give a guarantee of capacity. That's logical. Dan stated that as far as that goes, if there is a landfill that doesn't have the capacity to go for 10 years, if they were looking to be added to this plan, how could they guarantee 10 years? Dave stated that the landfills have to tell us what capacity they can take (doesn't have to be 10 years of capacity but we need the combined capacity to secure capacity to meet the region's 10-year needs).

Kevin McJunkin asked if the area of 10 years of capacity was defined in the waste shed analysis? Kevin said for the County, they know how much capacity they need. It's total capacity that has to be defined. Dave said that as a part of this plan, we have to determine how much waste do we anticipate generating for the entire region, and do we have the capacity to handle that. Kevin Witmer stated that theoretically you could have 300-400% capacity and that's OK. As far as DEP goes, they said yes, you've met your commitment. Dan Hannan asked if the steering committee gets to a point where they think we have too much capacity listed here, they don't have any idea of how much waste they are going to get, that would be a complaint? Dave responded that's a landfill business model issue, so that would be a no.

Jack Pyers stated that the 10-year plan that's about to expire, all instituted the menu procedure and RFP's. In all of these counties in the existing 10-year plan, they far exceeded the 100% mark. 1990 – 2000 plans implemented flow control in the region.

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2000-2010 is the menu system. Dave interjected and said every county he's worked with has put the menu system in place. Mike stated that this is an important point in this meeting. Dave's been grilled pretty hard. Mike asked what other questions are floating around that have not been addressed and that you're not satisfied with. Mike's trying to make sure everyone understands the waste shed concept. Dan stated that Lycoming County has made substantial investment to expand its landfill. If an outside landfill decided to come in and put a transfer station in somewhere in that region, would that be allowable or not? Is that fair competition considering the substantial investment for expanding the landfill? Dan's reaction would be that yes it would be fair competition. Dan wants to make sure if that were an issue, would this plan limit another landfill from opening a transfer facility? Dave stated that he's never heard of this issue coming up before. Assuming we have excess capacity, if someone comes in to open their own facility, DEP is going to ask why, because we have enough capacity. Kerry stated that it's a DEP decision. Transfer stations and landfills are very different. Transfer stations don't add capacity per Dave. Dan asked if there would be any limitations? Dave said he did not think DEP would impose limitations.

Mike said he feels we've accomplished a lot. Dave gets a big round of applause with what he's accomplished. Let's move along to local data collection. We need information on whether you have municipal contracts, who they are with, whether you're a single hauler with a municipality, if you service with a subscription within the municipality, can we get that information? Jack answered that this gets into specific business model operations. The landfill already has information as to what tonnages are being hauled from whom and from what counties. Jack responded that Watsonstown-Lewisburg single haulers, everything else is subscriptions. We will not be asking for business-sensitive information, but perhaps just more general information on what areas or regions different haulers serve and where that waste is currently taken.

Mike asked what direction does everyone see the trash business going. Is the volume changing? Jack feels that the landfill is the greatest resource to the volume. Services, do you see them changing? Jack answered that we would have to go to recycling. Dave asked how we increase recycling? Jack said it doesn't matter what we haul, we're haulers, we will haul it. Mike said we'd like to know that we can go to you for information, you're not going to be giving away business secrets. Dave said he's not going to ask for confidential information; he just wants to make sure everyone is covered.

Steve Tucker stated that mandated communities have ordinances. Some will be cut off from the grant money if they don't get that information. Kerry said you would help with the trends, give information that the landfills and transfer stations don't have, for example what they want and what they need is not the same thing. Does anyone have a problem with what we're asking? The room responded no.

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Mike asked again for feedback on what direction everyone feels we should go in. Darrin Hamm commented that recycling would be a good issue. Jack stated that recycling is a very sensitive issue. The counties and municipalities are providing the vast portion of recycling. It has locked most of the haulers out from initializing a recycling program. Everyone knows recycling costs more than throwing it away. By the municipalities and the counties being able to do it for citizens paying for it, it eliminates haulers from doing it. We want to participate in that program. Kevin Witmer stated that you still see people with grass clippings, Christmas trees, etc., somewhere at a higher level (municipal, county) saying hey guys you can't put this stuff out, here's where you go with it, where you take it. There's a fair amount of people who throw away this stuff. Kerry stated that those comments tie in very well with last night's comments from the municipal groups. They want the same thing. There's a void out there. Jack said it's a dollar issue. We don't want to lose money doing it. Steve asked what kind of opportunities are there to recycle in the future? Kevin stated none if we're going to lose money. Jack stated that in this particular area the whole system is set up for source separated collection. If it were single stream it would be a little more competitive. The idea that recycling pays for itself is just stuck in everyone's head and that's not the case. Dave asked everyone if they feel that it would be practical to go with single stream? Steve stated that you would see your costs go up for single stream. Jack said single stream is the only way to reach the higher diversion percentages that the plan may target.

Mike Heaps stated that he's contacted people to go single stream. They want to charge much higher than what they are paying for at the landfill. Picking up recycling is just as capital intensive as picking up trash. Mike stated that we have to achieve a 35% goal for recycling. The program has to be easy and convenient for people. By easy, you mean single stream (for example) stated Dave. Terry commented that the 35% is just a state goal. Jack asked if that percentage is county or what? Densely populated areas could basically save the day on that if they have a good plan. Dave said it's based probably on urban areas that are kicking up a notch and the rural areas that are not. Dave suggested that there is curbside and drop off bins (source separated). Jack stated that they would love the separated boxes.

Dan asked if there is a lot of waste that goes to the scrap yard. Dave said the county recycling coordinator is supposed to gather that information. Mike asked everyone where they want us to go with this issue of recycling. How do we want this to influence the planning process? Jack stated that it would be so they can participate in the plan. Mike said the point that's been made, as a hauler stakeholder committee, haulers would like the opportunity to haul recycling. Mike said you don't have to have a part of it if you don't choose to.

Mike wanted to briefly review some last minute housekeeping items. Next meeting date/time – someone commented not the first of the month. The meetings run 2 hours –

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is that acceptable? That's enough. We're meeting in Union County; do we want to rotate to the other 5 counties? Union County is acceptable to everyone. Darrin commented that the week of 8/23 is pretty bad for him. Mike asked him to send an alternate. Need volunteer from this Stakeholder Group to be a representative and a volunteer to be an alternate to the Steering Committee. Mike Heaps will be the alternate and Jack Pyers will be the representative.

Meeting adjourned at 9:05 PM.

Date for the next Solid Waste Stakeholder Meeting is Wednesday, August 25, 2010 at 6:30 PM at the Union County Government Center, in the Union County Café.

The next Steering Committee Meeting is: Wednesday, July 14, 2010 at 1:30 PM in Montour County at the Courthouse at 29 Mill Street, Danville, PA.

Respectfully submitted,

Cathy Johnson
EfficientC