

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING  
September 10, 2008

Chairwoman Napolitani called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 3:03 PM.

Authority Members present: Laurel Napolitani, Richard Mach, and Todd Yanoff.

ROLL CALL:	Ms. Napolitani	-	Present
	Mr. Chamberlain	-	Absent
	Mr. Accetturo	-	Absent
	Mr. Yanoff	-	Present
	Mr. Mach	-	Present

Also present: James Williams, Operations Manager; Charles L. Houck, Chief Financial Officer; Joseph Houston, General Counsel; Brendan Mullen, Hatch Mott MacDonald; Mark Swyka, Cornerstone Environmental Group, and Margaret Rogers, Recording Secretary.

Pledge of Allegiance / Introductory Statement

### MINUTES

The minutes of the Regular Meeting of August 27, 2008 were presented for approval. Mr. Mach moved for acceptance of the minutes with revision, seconded by Mr. Yanoff. Mr. Mach requested a revision to paragraph 1 of Page 2 making mention that he requested a chronological summary of events in connection with the 2007 Closure/Post Closure Plan Vertical Expansion Application.

ROLL CALL:	Ms. Napolitani	-	Yes
	Mr. Chamberlain	-	Absent
	Mr. Accetturo	-	Absent
	Mr. Yanoff	-	Yes
	Mr. Mach	-	Yes

### CORRESPONDENCE

None.

### PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None.

### REPORTS

#### FACILITIES/RECYCLING

Monthly Operations Report – N/A

Mr. Mullen of Hatch Mott MacDonald briefed the Authority on his recent conversation with Ms. Janis Hottinger of the DEP. Ms. Hottinger noted they are aware of the Authority's issues and pending applications and permits; in particular, the Vertical Expansion Application. She basically said we should stay the course and didn't feel we would be subject to enforcement action. The Notice of Deficiency letter should be released next Friday, September 19, 2008. Mr. Mullen presented a brief synopsis (Handout) to Board members.

Mr. Mullen responded to questions in connection with the January 10, 2008 DEP deficiency letter regarding the Closure/Post Closure, Vertical Expansion Application.

- the time frame to address issues once you receive a deficiency letter is one week and usually 45 days afterwards a draft copy of the permit would be issued
- we would not see any relief for operating over capacity and without a permit until after the permit is issued
- the yardage for the expansion would be 5.7 million cubic yards, which includes Cell 5.

Mr. Houston expressed his concern again about the blasting from Tilcon and asked if the expansion permit had taken the blasting into account. Mr. Mullen indicated that a seismic study (slope stability analysis) was included in the application.

Discussion centered on the seismic studies performed in the past and possibly the need for additional review. Mr. Williams stated that Tilcon will share the information gathered, with us. Mr. Yanoff and Mr. Mach both stated we need to view the actual data from the seismometers.

Mr. Swyka of Cornerstone Environmental, interjected in an attempt to alleviate the concerns of the Board Members. He stated that the amount of energy from a quarry blast is significantly low. He mentioned that the standard to do an assessment is .35 x the acceleration of gravity, which does not come close to the number of the magnitude associated with an earthquake. He also stated that Tilcon is limited to two (2) inches per second per velocity at the property line, therefore anything more would be a violation.

Another concern expressed was that of the existing liner and any danger of failure, particularly since we're seeking to expand the landfill by 50 feet. Would there be a risk associated with the expansion?

Mr. Houston asked Mr. Mullen if he had taken the age and durability of the existing liner into account when he submitted the expansion permit. Mr. Yanoff's concern is the tremendous compression at the base (on the liner), or of a slide with the increase of height.

Mr. Mullen suggested he could go to French & Parello and get documentation or perhaps set up a conference call to address the Members concerns.

Ms. Napolitani addressed the Stack Test next.

Mr. Swyka noted that the performance of the flare was fine, it met the requirements. However, the particulates need to be re-tested as analysis revealed those tests had some refractor dust that may have settled or disturbed the performance of the test. We will need to do some housekeeping (vacuuming out) of the flare.

Mr. Williams indicated we would make this part of the routine maintenance if that is the case. Also, we need to coordinate the re-testing with the availability of State personnel to be present.

Mr. Swyka indicated it does not appear to be a combustion problem, possibly fiber from the sulfur scrubber system fiberglass. The particulate matter is in violation of the permit.

Mr. Houston asked if we would be charged for the re-test, and why didn't the engineering firm have informed us of this problem? Mr. Swyka replied that the re-test would be half the cost and it is not standard to have a particulate violation on an enclosed flare.

Mr. Swyka briefed the Members on the letter Mr. Williams handed out from the DEP in connection with the Air Permit Application Administratively Incompleteness. Basically, the DEP is requesting that we resubmit all the information that was contained in the Facility Permit Application. They have requested conditional information that does not apply to air emissions, operating parameters on the sulfur scrubber system, etc. so we are proceeding with their request within the next two weeks.

Mr. Williams reported that analysis (the purity of the sulfur) of the sulfur cake has been very positive. Mr. Sterbenz will bring us up to date at the next meeting.

Mr. Williams stated that discussions are continuing with Mr. Houston, Brian Tipton and himself regarding the issues with DCO and favorable results appear to be on the horizon.

Our Construction meeting revealed the leachate preconstruction is moving along on schedule. There were some minor issues that were addressed, i.e., a temporary fence was installed until it can be replaced with a permanent fence. Also, Soil Conservation made a surprise inspection which went well.

#### FINANCE/PERSONNEL

Mr. Houck reported that today, the pension contribution was increased by twenty six (26) percent.

#### NEW BUSINESS

Mr. Williams presented (handout) the first (1<sup>st</sup>) draft of PCFA's newsletter and asked that any changes or comments be forwarded to Ms. Napolitani or Jim for the final draft this Monday. Newsletter will be included in the Express Times on September 27, 2008.

Risk Manager, Mike Grossmann reported he is getting the insurance policies for next year in place. Hopefully all applications will be completed in October.

#### GENERAL COUNSEL'S REPORT

Mr. Houston offered the following comments:

- the Newsletter looks good as it shows all the services the Authority provides
- we have plenty of lead time to discuss and decide to proceed with the expansion, however, may not have enough funds for Cell 5
- we're exploring possible litigation against SCS for the sulfur scrubber system deteriorating interiors
- I think the Board has to have some discussion on these new issues, and in particular, the continual change of engineering firms, our biggest expense.

#### CLOSING PUBLIC COMMENT

None

PRESS COMMENTS & QUESTIONS

None

EXECUTIVE SESSION

Not necessary

ADJOURNMENT

Mr. Mach motioned to Adjourn at 4:00 pm, seconded by Mr. Yanoff.

ROLL CALL:	Ms. Napolitani	-	Yes
	Mr. Chamberlain	-	Absent
	Mr. Accetturo	-	Absent
	Mr. Yanoff	-	Yes
	Mr. Mach	-	Yes

Respectfully submitted by:

*Margaret Rogers*

Margaret Rogers

Recording Secretary

Approved: *September 24, 2008*