



City of Sioux Falls Solid Waste Planning Board Minutes

*Sioux Falls Main Library – Meeting Rooms A&B
200 N. Dakota Avenue*

Thursday, Sept. 22, 2011; 5:00 pm

1. Call to Order/Roll Call

Board Members Present:

Aimee Ladonski, Chair, Sustainability Coordinator
Ken Allender, Citizen Representative
Jake Anderson, Recycling Industry Representative
Norman Dittman, Citizen Representative
Dave McElroy, City of Sioux Falls Landfill
Superintendent
Bob Kappel, City of Sioux Falls Environmental
Manager
Nancy Korkow, McCook County Representative
John Overby, Turner County Representative
Ryan Streff, Minnehaha County Representative
Merle Wollman, SD Multi-housing Representative

Board Members Absent:

Sarah Campbell, Citizen Representative
Greg Dix, Waste & Recycling Industry
Representative
Deb Reinicke, Lake County Representative
Dennis Weeldreyer, Lincoln County Representative

Others Present:

Joe Heffron, City of Sioux Falls Sustainability Technician; Dan Siefken, South Dakota Multi-housing Association Director; Tom Wilford, Marv's Sanitary Service of Brandon.

2. Approval of Agenda

- **A motion was made and seconded to approve the meeting agenda. (Vote: Yeses: All; Noes: None.) Motion passed unanimously.**

3. Approval of Minutes

- **A motion was made by Aimee Ladonski to amend the minutes for the Solid Waste Planning Board meeting of August 11, 2011, because of an inaccuracy in the Sustainability Coordinator's report:**
 - The Household Hazardous Waste Facility processed 244,000 lbs of household hazardous waste, not 652,000 lbs. as reported.
- Motion was seconded. (Vote: Yeses: All; Noes: None.) Motion passed unanimously.**
- **A motion was made and seconded to approve the minutes as amended. (Vote: Yeses: All; Noes: None.)**

4. Landfill Superintendent Report, Dave McElroy

- On Oct. 6, 12-1pm, the landfill is holding a fundraising barbecue for United Way. Lunch is available for a recommended donation of \$3. There may also be a raffle drawing to run a dozer (after receiving safety training).
- John Fenderson was promoted to lead landfill equipment operator, and there is an open position for landfill equipment operator that closes Sept. 23 at 5pm.
- The landfill currently has a few problems with landfill gas conditioning systems. There have been mechanical failures in one of the two parallel systems, so we are capturing gas at about 50% capacity. The City has received the results of a Construction and Demolition (C&D) recycling feasibility study aimed at removing wood, cardboard and other recyclable materials from the C&D waste stream. Dave McElroy will be presenting those results at a future SWPB meeting.
- The landfill has acquired a new, 120,000 lb caterpillar to compact waste and the extend life of landfill, and staff is looking for a new screen for screening compost. The landfill currently has a 17-year old screen that is shared with the Brookings landfill.
- Municipal Solid Waste (MSW) tonnage is up 1% YTD, C&D is down 6%.
- City staff is currently reviewing the 1st draft of the Solid Waste and Recycling Assessment provided by SAIC as part of the Sustainability Master Plan (SMP).
- **Questions from public:** None.

5. Sustainability Coordinator Report, Aimee Ladonski

- Household Hazardous Waste Facility: Materials processed Jan.-Aug., 2011:
 - Approximately 288,000 lbs Household Hazardous Waste
 - Approximately 775,000 lbs. Electronics
- Thank you to the hauling community for supplying accurate recycling reports. There is still some inconsistency, but staff is sending reminder letters and phone calls to follow up.
 - The next signed report is due Oct. 5.
- Sustainability staff met with Advanced Recycling Systems and Millennium Recycling to get advice as to how we can be helping haulers achieve the recycling goal.
- The City is making big strides with the SMP; the final meetings with internal & external partners will be on Sept. 28 & 29 respectively.
- **Questions from public:** None.

6. Lincoln County Transfer Station – Potential closure, Dave McElroy

- Dave McElroy had hoped Dennis Weeldreyer, the Lincoln County representative on the Solid Waste Planning Board, would be in attendance to give an updated report, but he would summarize based on what he had read (Weeldreyer attended later – see notes below).
- The Argus Leader ran an article about a potential closing of the Lincoln County Transfer Station (LTS), because revenues were falling short and towns looking to pull out of their agreements to fund the station.

- The Sioux Falls Regional Sanitary Landfill (SFRSL) gets about 20 tons of MSW per day from LTS. The average truck-load is 6 to 7 tons, so the LTS semi saves about 2 to 3 other trucks from coming to the landfill (i.e., traffic is reduced at SFRSL by 2-3 trucks/day).
- A general rule of thumb is that a transfer station can be justified if it is outside of a 50 mile radius from the landfill, but LTS about 20 miles away from SFRSL.
- Jake Anderson raised the question as to whether LTS and the surrounding communities have a specific contractual relationship. Dave McElroy said that communities like Harrisburg, Tea, Lennox and Canton have an agreement to pay a per-capita fee to LTS. Those communities have grown significantly, so the cost has grown as well. Haulers are not using the transfer station enough to justify its existence.
- Jake Anderson asked if haulers are required to use LTS. Dave McElroy did not believe they were.
- **Public Comment** (Tom Wilford): Clarification: Transfer stations should be at least 50 miles from a landfill to be effective?
 - Dave McElroy stated that 50 miles is a rule of thumb, but there is a lot of local variability in the solid waste industry.
- Ken Allender asked if there are other feeder stations that bring MSW to the landfill, and Dave McElroy said there are not.
- Bob Kappel said that LTS is losing a major funding stream. He did not propose that City of Sioux Falls assist LTS but said that if the Board believes that the City should be providing assistance (monetary or otherwise), they could raise that issue.

7. Report on Progress of Chapter 18 Ordinance Revisions, Bob Kappel

- Bob Kappel thanked the hauling and recycling community for their involvement in the Ch. 18 ordinance revision process.
- The Argus Leader ran an article about the proposed Chapter 18 revisions. Hauler representatives were quoted in the article. The article was positive overall, and there have been editorials in response since it ran.
- On Sept. 8, staff met with the solid waste and recycling industry to review the proposed revisions. It was a positive meeting. The attendance was not as high as staff hoped, but this may have been due to the fact that the meeting was held during a holiday week.
- On Sept 12, staff presented the proposed Ch. 18 revisions to the City Council Public Service Committee.
- On Sept 19, staff presented the proposed Ch. 18 revisions at the City Council Informational Meeting. Staff received good feedback from the council members. The Council was concerned about the impact on waste haulers, but staff will address those issues.
- On Sept. 19, the proposed ordinance revisions had a 1st reading with City Council.
- City Council moved to hold the the 2nd reading on Oct. 3. There will be an opportunity for public comment, so anyone who would like to speak for or against the revisions should attend. Staff will not be giving a presentation at the 2nd reading, but will verbally introduce the revisions.

- Highlights of the presentation given at the City Council Informational:
 - i. Glass is included as a recyclable material, but not a required recyclable.
 1. One council member thought it should be required, but staff said that the market for recycled glass was not strong enough.
 - ii. Section 18-25, Business Recycling Reporting
 1. Council wanted to know what kind of burden this would present businesses, but staff clarified that only businesses that recycle on their own or through a 3rd party need report recycling, and then only if the hauler requests it.
 2. There is a potential that the language may need to be revised, and staff has alternate proposed language for 18-25, to be presented if necessary:

“Upon a request from their licensed garbage hauler, businesses and institutions are required to report the weight of any recyclable materials hauled, transferred, or recycled by self or others to account for their recyclable materials.”
 - iii. Section 18-69, Pay-As-You-Throw (PAYT) Rates
 1. There seems to be a belief among some parties that this is price-fixing, but staff is prepared to challenge that argument. The ordinance does not say how much to charge or what size of container to use, but merely gives a minimum standard for the difference between containers and prices. The purpose is to encourage the public to reduce waste and recycle more. This may be an issue we are challenged on. Haulers are not required by this ordinance to raise prices; they may reduce the cost of the smaller containers to balance the higher cost of the larger.
 - iv. Section 18-62, Hauler Recycling Goal
 1. The current methodology for calculating the recycling goal isn't right, because the smallest haulers can skew the recycling goal.
 2. Using the recycling rate by weight gives a simple, community-wide calculation
 3. We may get some opposition from the solid waste industry. Based on this year's numbers, recycling goal will be higher for 2012 based on current projection, but that figure will change year to year depending on which haulers are recycling more.
 4. Staff has received questions as to when they plan to implement the recycling standard and penalties. First we have to determine the code, then determine how to implement it. The viewpoint of City staff and administration is that we have notified everyone of a goal and that haulers are supposed to be meeting that goal. The new 12% standard is lower than the announced goal of 15%, so the City position is that, once the ordinance is passed, it will be enforceable for 2011. On March 31, 2012, if a hauler did not meet the standard for 2011, City staff will be enforcing the penalty of \$1/ton MSW in 2011 and requiring the hauler to create a corrective action plan. On March 31, 2013, haulers will be subject to the tier 2 surcharge and must hire a qualified environmental engineer to create a corrective

action plan. On Mar 31, 2014, the City will pursue revoking the license of any hauler that has not met the standard for 3 consecutive years.

- a. Nancy Korkow asked if it was the City's goal to revoke a license. Bob Kappel replied that it was not, but that this is the first attempt to really enforce this recycling goal, which has been on the books for five or six years. Bob Kappel has tasked the Sustainability staff with helping haulers meet the goal.
 - b. Nancy Korkow raised the concern that the ordinance may provide a loophole for haulers that may save recyclables one year to ensure they make the goal the following year, thus never losing their license. Bob Kappel replied that he imagined that haulers may be thinking of ways around the rules, but he believes it is reasonable and that Council will make a good decision. Many haulers doing a good job, and others are not doing a good job. The City is currently giving poor recyclers a competitive edge by not enforcing the recycling goal.
 - c. Nancy Korkow raised the issue that some cities' contracts specify one size of container, so the hauler that wins the bid cannot supply a tiered rate. Bob Kappel stated that Sioux Falls and the SFRSL will have to work with those cities to update their contracts. The contracts the cities sign with SFRSL are renewed every 2 years, which will provide an opportunity to do so.
 - d. Norman Dittman asked for clarification as to when the recycling standard would come into effect -- March 31, 2012 or after the Council passes the revisions. Bob Kappel clarified that the ordinance would go into effect after Council passes it, but that haulers have until December 31 to come into compliance with the recycling standard. The City then announces the new standard and enforces the old standard by March 31 of the following year. Jake Anderson clarified that 2011 is technically year 1 of the 3-year process of revoking a hauler's license for not meeting the recycling standard. Bob Kappel concurred, but added that it is primarily a matter of interpretation.
- v. 18-30, Recycling Incentive
1. According to current projections for 2011 (based on quarter 1 and 2 data) of recycling rates and MSW tonnages:
 - a. The City will pay a total of about \$38k in rebates to the top 5 waste haulers.
 - b. The City will surcharge the bottom 12 haulers about \$20K in total.
 2. If adopted, the recycling incentive will increase recycling, help lengthen the life of the landfill, and thus help customers by not raising tipping fees.
- **Public comment** (Tom Wilford, Marv's Sanitary): Tom Wilford asked that City staff properly educate City Council that the recycling goal does not reflect the overall diversion rate for the

area. That misunderstanding may lead the Council to believe that the problem is much more severe than in actuality. He also requested that staff give the Council an estimate of what the diversion rate might be.

- Tom Wilford also suggested that instead of paying a recycling incentive to the haulers, that money should be earmarked for recycling education. The haulers are being penalized for the actions of the public, and money should be spent on public education to assist the haulers.
- Tom Wilford also asked how the City will ensure that it was possible for a hauler to meet the recycling goal – i.e., that the percentage of recyclable materials in the hauler’s waste stream is large enough to theoretically meet the goal.
 - Jake Anderson stated that the average percent of recyclables disposed of is fairly standard across the US, and that it is much higher than the recycling goal. Tom Wilford clarified that he is not saying that the recycling goal is unreasonable, merely that some haulers’ routes and practices give them a much higher percentage of recyclables that does not reflect their recycling efforts.
 - Bob Kappel stated that Sioux Falls is significantly below the national average, so it will not be an issue in the short-term. However, at some point, the standard may have to be adjusted. A corrective action plan designed by an environmental engineer would also take those issues into account. If the engineer deemed that it was not possible to significantly raise a hauler’s recycling rate, the Board and City staff would review the issue again.
 - Tom Wilford said that by the time an engineer is involved, the hauler has already paid significant penalties.
 - Bob Kappel stated that City staff is still receiving a lot of complaints from citizens about a lack of recycling opportunities and poor recycling practices on the part of the haulers.
- Tom Wilford also asked why haulers’ rates have not improved significantly given the threat of surcharges and license revocation. Aimee Ladonski stated that there are haulers with low recycling rates that have not taken the initiative to educate customers or change practices.
- Bob Kappel stated that City staff will try to mention the difference between the goal and recycling rate to the Council. Staff is working at developing a community-wide recycling rate, and if necessary, a city diversion rate. In 2-3 years, the City will meet some of those goals and improve the image of the solid waste industry in Sioux Falls. He stated that he does not want to give estimates because he does not want to give Council poor information.
- Bob Kappel stated that using incentive money for public education is good idea, but he believes that the plan needs an incentive (a carrot) as well as a disincentive (a stick). City staff have improved education in recent months and will reach out to haulers to assist with education and outreach.
- Tom Wilford asked the Board to remember that they are serving a 5-county region, including numerous small towns and counties – not just Sioux Falls.

8. Public Comment

- (Dan Siefken, Director of the South Dakota Multi-housing Association): Dan Siefken stated that informing the public is key, and that he hoped the multi-housing industry can play a role. He also encouraged the Board to consider adopting the alternate language for Section 18-25 proposed by Bob Kappel, because the original language was prone to misinterpretation.
 - Dan Siefken also asked that the Board consider revising the language to Ordinance section 18-23 (5), on the recycling reporting requirements of rental property owners. He wanted the City to adopt a more streamlined process of reporting to reduce the burden on property owners, and he stated that many property owners questioned whether the information was used, or if it was just a bureaucratic exercise.
 - Aimee Ladonski stated that City staff had already drafted a process to change the required reporting that is believed to fall in line with Mr. Siefken's wishes. Ladonski proposed to discuss the matter in person with Mr. Siefken at their upcoming meeting.
 - Dan Siefken stated that SDMHA would be open to housing the report in the 'Members Only' section of their website.
 - Jake Anderson stated that large, multi-housing units present the biggest challenges for recycling, but also the biggest opportunities. Dan Siefken stated that SDMHA was ready to help improve recycling for the industry.
 - Aimee Ladonski stated that the Building Department is currently revising their list of rental property owners, and that those changes would assist in the recycling reporting process.
 - Bob Kappel suggested that the Board not make a modification to the proposed ordinance revisions at this time, but Sustainability staff would streamline the reporting process without changes to ordinance.
- Returning to the issue of hauler recycling rates, Ken Allender asked if the haulers with best rates tend to be the largest haulers. Bob Kappel replied that the highest recycler is a small hauler, but that small haulers overall are disproportionately low. Bob also stated that it is more clearly a matter of single-stream vs. source-separated recycling than the size of the hauler. Bob Kappel offered to present the recycling rates, sizes of haulers and which method each hauler uses at the next board meeting. Ken Allender suggested that the list be anonymous, and Bob Kappel agreed.
- Jake Anderson requested that the Chair set up an Ordinance subcommittee meeting in the next few weeks to discuss the Needle Disposal Program and the results of the Oct. 3 Council reading. Aimee Ladonski assented and stated that if any member of the Board or the public would like a certain topic addressed at a meeting, they should contact her.
- Dennis Weeldreyer, Lincoln County Representative joined the Board at 6:15pm. He stated that the Lincoln County Transfer Station (LTS) is still in the budget for 2012, and that staff is pursuing different avenues for funding. For now, LTS will probably remain open at least through next year. Some people are looking to purchase LTS. Some haulers and the City of Beresford are

now indicating that they will bring all MSW to LTS, because the tipping fees at the Vermillion landfill increased. However, LTS could close after next year. The facility is nearly 40 years old, and there will be significant expenses if the station is to continue. Dave McElroy commented that the facility is very clean and well-run.

- A motion to adjourn was made and seconded at 6:30 pm. **(Vote: Yeses: All; Noes: None.)**
Motion passed unanimously.