

## Saline County Regional Solid Waste Management District

### Regular Board Meeting Minutes

July 17, 2013

**Board Members Present:** Mr. Jim Erwin; Dr. Don Brashears; Mr. J.R. Walters; Mr. Bob McKeon; Judge Fite; Mayor Jeff Arey.

**Others Present:** Mr. Sam Ed Gibson, Attorney for SCRSWMD; Stacy Edwards, Inter-District Tire Program; Mrs. Tai Marshall, Office Manager, Saline County RSWMD; Mr. Michael Grappe', Executive Director, Saline County RSWMD; Ms. Tiffany Dunn, Marketing Coordinator, Saline County RSWMD; Johnny McMahan, Bauxite Mayor; Michelle Gillham, ADEQ; Amy Hagerman, ADEQ; Roger Finley, Terry's Waste; Barbara Howell, Justice of the Peace District 4; Jack Howell;

Mayor Arey called the meeting to order and asked everyone to sign in.

**Reading of Minutes from June meeting & July Special Board Meeting:** Mayor Arey stated the first order of business was the reading of minutes from the June meeting. Mr. J.R. Walters made a motion to approve the June Board Meeting minutes. Mr. Bob McKeon seconded the motion. All were in favor and motion passed with no opposition.

**Reading of Financial Statement and Financial Position from June:** Mr. Grappe' stated that in our investment account there is \$1,998,917.48 and in our operating account there is a total of \$931,878.51. Mr. Grappe' stated that we deposited \$281,664.75 and expenses for the month were \$346,374.49. Mr. Grappe' stated that the reason for that money being spent is because of the recycling cost. Mr. Grappe' stated that in June was the first month that we started the second shift at the Recycle Center. Mr. Grappe' stated that we spent \$19,000 and stated that we spend \$40,000 a month on the recycling program. Mr. Grappe' stated that he would like the Board to start thinking of options for the program and that the two options are to continue the program at \$40,000 month loss and be able to sustain that until the end of the year when there is no money or we can start scaling back our drop off locations or eliminating it completely. Mr. Grappe' stated that right now there are 23 black boxes all the way from Haskell to East End. Mr. Grappe' stated that the black boxes were there as a stock cap until we brought in curbside recycling. Mr. McKeon had some questions about the check register about Bin There Dump That. Mr. Grappe' stated that the first one listed in the amount of \$3,157.26 was for two clean-up events. Mr. Grappe' stated that the rest of it is from the contract for the school pick-ups and the clean-ups around the black boxes from when they are littered and need cleaned up. Mr. McKeon asked if we have a contract with them. Mr. Grappe' stated that we do have a contract with them. Mr. Grappe' stated that there were only two bids sent in for the bid. Mr. Grappe' stated that Bin There Dump That cost has nothing to do with recycling the rest of that is community service. Mr. Grappe' stated that the school clean-ups are a locked in price per month, the rest of the

expense depends on how many bins and labor that is provided for the community events. Mr. McKeon asked about the check for Rineco in the amount of \$8,001.00. Mr. Grappe' stated that amount is not a recurring amount every month. Mr. Erwin asked how long we have been accumulating the household hazardous waste. Mr. Grappe' stated that it has been accumulating for several years. Ms. Marshall said that most of that cost is from labor because the products that had to be out there without a label had to be analyzed by chemist and loaded into the truck. Ms. Marshall stated that on that pick-up it was a full semi load of household hazardous waste that was sent to Rineco. Ms. Dunn stated that the program is going well. There have been lots of calls at the office and the advertising is working well. Mr. Erwin asked if we were contracting with the county employees. Mr. Grappe' stated yes and that once it gets going it might be scaled back to once a month for drop-off. Mr. Bob McKeon asked about two checks one for Barbara Howell in the amount of \$500 and another one in the amount of \$2,000 to the City of Bryant. Mr. Grappe' stated that those were for advertising.

Mr. McKeon motioned to approve the financial statement and financial position from June. Mr. Walters seconded that motion. All were in favor and motion passed with no opposition.

**Request by Mayor Johnny McMahan:** Mr. Grappe' stated that everyone should have a list of the new guidelines for review. Mr. Grappe' stated that it talks about grants and that Act 1333 eliminated ADEQ with grant funding. Mr. Grappe' stated that now the money will be sent to the planning commission and then sent to us. Ms. Gillham stated that ADEQ would still receive the money and based on a formula and then will be sent out to the Districts. Ms. Gillham stated that there will now be no application or direction from ADEQ on how to spend the money. Mr. Erwin asked if we will be required to keep a separate account. Mr. Grappe' stated that yes we will always keep a separate account. Mr. Grappe' stated that we have lost the leadership of ADEQ to watch us and guide it. Mr. Grappe' stated that right now there are not any guidelines for the new system and that Mayor Arey has asked him to put together a list of guidelines for the new process. Mr. Grappe' stated that there is a procedure that we must follow and we need to do a public hearing or put a public notice out and everyone has 30 days to comment before the Board comes back to vote. Mr. McKeon asked if that was for any amount. Mr. Grappe' stated that it would be for any amount or activity. Mr. Erwin asked Mr. Gibson if there were any guidelines if he would like to change and if we were clear. Mr. Gibson stated that if the concept and accountability is clearly there and if the state has taken control of this and moved it from ADEQ to the Districts then the District needs to formally adopt a set of guidelines to the substance of which would include some opportunity for public comment, transparency, accountability, and some guarantees to ensure that the distribution is not discriminatory. Mr. Gibson stated that we need at least the level of oversight, control, and public transparency that ADEQ provided. Mr. Grappe' stated that it would be a 60 day cycle. Mr. Gillham stated that most Districts are still using the same system that ADEQ had in place to help them protect themselves and just changing the wording. Ms. Gillham stated that the original grants program limited the monies going out to private entities unless it was a private-public partnership and just

went to the cities counties, municipalities, Solid Waste Associations and Districts. Mr. McKeon asked how we would word the guidelines. Ms. Gillham stated that several Districts were going to have a meeting so that they could be consistent across the Districts. Mr. Grappe' stated that the one thing that is different from our District than the other Districts is that most other Districts have more than one county and get input from those counties about their needs and submit their request. Judge Fite asked what is the anticipated revenue we have coming in from grants. Mr. Grappe' stated that it was a little over \$100,000. Mr. Grappe' stated that the E-Waste grants will still be coming from ADEQ. Mr. Grappe' stated that what he would like to do now is that if anyone is requesting any public funds to be able to get anything that's outside of our normal operating procedures is to bring it in front of the Board and review it, make a decision on it, do a public notice, and then in the next 30 days the Board can make a decision of approval. Mr. Gibson stated that there could be a less formal set-up for making the grants as long as they are transparent and you can do that at the Board level. Mr. Gibson stated that with his very quick review of the guidelines Mr. Grappe' put together that it looks to be very in-line with what ADEQ had. Judge Fite asked if we need to adopt the guidelines into a resolution. Mr. Gibson stated that you should adopt this by local resolution rather than by motion and consensus of the Board but it would take until the next meeting to adopt a resolution to accept the application. Mr. Grappe' stated that he would like the guidelines that he wrote to be voted on today and accepted by the Board as an operating procedure. Mr. Gibson stated that the most prudent way would be to over the course of the next business year is to develop standard procedures and policies and adopt them as a formal rule. Mr. Grappe' stated that he would like the Board to enact the guidelines in front of them as a temporary format until there is a formal procedure in place. Mr. Erwin made a motion to accept the temporary guidelines. Mr. Walters seconded the motion. All were in favor and motion passed with no opposition.

There was some general discussion about the recycling program and how the new grant request would work with the time limit.

Mayor McMahan stated that he would like to request to have one day a month to pick up E-Waste from Bauxite citizens and take to the recycle center in Bauxite. Mayor McMahan stated that it would probably be the last Wednesday of each month. Mayor McMahan stated that he would use city employees and a church to do pick-ups. Mayor McMahan stated that he would advertise it to Bauxite citizens through their water bill. Mr. Erwin made the motion to approve Mayor McMahan's request. Judge Fite seconded the motion. All were in favor and motion passed with no opposition.

**Request by Mrs. Barbara Howell:** Ms. Barbara Howell would like to request two dumpsters for repair to a roof of the Avilla community center. Ms. Barbara Howell read the history of the building to the board. Mr. Erwin made a motion to accept the request for processing. Mr. McKeon seconded the motion. All were in favor and motion passed with no opposition. The District will advertise in the paper the request by Ms. Barbara Howell and there will be a public meeting fifteen minutes prior to next meeting for approval.

**Inter-District Tire Update-Stacey Edwards:** Ms. Edwards stated that with tires that since the tires are a separate thing from other recycling that the Mayor can call her and they will see what they can do to help. Ms. Edwards stated that over the past year the Inter-District has seen lots of changes. Ms. Edwards stated that they processed 6,079 tires last month and if you look back at January's number it's 2,598 it's a big jump from then to now. Ms. Edwards stated that the financials are very strong. Ms. Edwards stated that right now there is \$94,640.39 at the end of May. Ms. Edwards stated that they are looking at the overage for the public information campaign. Ms. Edwards stated that the Board didn't meet this month because a forum wasn't available but will be meeting in August. Ms. Edwards stated that she has received from Channel 7 a proposal and concept on how they would approach the campaign. Ms. Edwards stated that she has got a proposal from the Bigotti Agency and is waiting on one from Cranford Johnson Robinson Woods. Ms. Edwards stated that there are three very different approaches. Ms. Edwards stated that there was a tire trailer stolen from Hot Springs and has decided that there needs to be a better track of the trailers and is looking into GPS systems. Ms. Edwards stated that they are looking into the procedures of the tire program. Ms. Edwards stated that the tire permit for the big tire shredder has not been approved yet and it's been a slow process. Ms. Edwards stated that hopefully it will be up and running by September.

**Environmental Officer Update-Tai Marshall:** Ms. Marshall stated that she is working with Lori Burke from ADEQ and that she will be meeting with her on Friday to visit some properties. Ms. Marshall stated that they have been looking at properties in Alexander and a few in Benton. Ms. Marshall stated that there are a few that aren't actually illegal dump sites that they are more of a junkyard. Ms. Marshall stated that Ms. Edwards and Mr. Grappe' will also be meeting them at a property in Alexander that has a field full of tires. Ms. Marshall stated that she has been taking lots of pictures to upload into our system and that she is getting ready to place the game camera out in the community to catch violators in hot spots.

#### **Executive Director Update:**

**Recycling Program:** Mr. Grappe' stated that everything is cleaned up and that the employees at the Recycle Center have done a good job of getting the piles of trash gone. Mr. Grappe' stated that we will be cutting the staff down from 12 to 6 but keeping the two shifts because it is more efficient for the time being and will access for the next 30 days. Mr. Grappe' stated that we are receiving recycle material from Little Rock, Pulaski District, and our District. Mr. Grappe' stated that we received a glass load not too long ago from the South Central District. Mr. McKeon asked if we have been able to sell any of the recyclable materials. Mr. Grappe' stated that the only thing that you get almost an immediate result from is from the sale of the metal. Mr. Grappe' stated that we just sent off a truck for plastics and it will probably be another 3 or 4 months before we get a check from that and that we have several trucks out for paper. Mr. Erwin asked if that material will be classified as booked material. Mr. Grappe' stated that we don't know what the price will be until it makes it to market.

**Upcoming Events:** There are no upcoming events scheduled at this time.

**Advertising Efforts-Tiffany Dunn:** Ms. Dunn stated that the Household Hazardous waste campaign worked very well and that the office is still receiving lots of calls about the program. Ms. Dunn stated that she thought the most effective form of advertising was the water bills. Ms. Dunn stated that the coloring book should be completed by the first of August so that it can be ready by the beginning of the school year. Ms. Dunn stated that she did a photo shoot with Smarty on the football field and from that will be the next ad for the Saline County Lifestyles for the Salt Bowl edition.

**Impact Management Update:** Mr. Grappe' stated that based on the special meeting about Curbside Recycling being taken off the table that as far as Impact Managements duties to us they have been fulfilled.

**Community Efforts:** Mr. Grappe' stated that we covered that in the new Guidelines for the grants and that there isn't anything to report at this time.

**Recycle Center Labor Update:** Has been discussed in recycling program update.

**Engineering Updates:** Mr. Grappe' stated that he has put the remodel for the office and for Neeley Street on hold for now.

**District Zoning Updates:** There are no District zoning updates and will be removed from the agenda.

**Miscellaneous:** No miscellaneous topics to discuss at this time.

**Old Business:** There was no old business to report.

**New Business:**

- A. Proper Procedures for adopting rules and regs: Mr. Gibson stated that Mayor Arey had sent him a copy of the procedures and rule making for this Board and similar bodies and asked him to review the rule making procedures and our past history with that. Mr. Gibson stated that we've really been in two areas and maybe a third. Mr. Gibson stated that one of those areas was with flow control which we are out of now with the sale of the Landfill. Mr. Gibson stated that it was litigated two times once with the Wabash Company and in that case they challenged both the rule making authority and the rule making procedure in which the court sided with the District. The second time was with a hauler that was clouting the requirement. Mr. Gibson stated that in that case that we proposed to withdraw the license of the hauler and conceded. Mr. Gibson stated that under the current administrative procedures act there is a four step process to adopting rules versus formulate the rules that is to decide locally on what you want to do, agree upon language, with which to implement that is a function of the Board and then publish

a notice of intent to adopt the rule and then provide copies of it to the Bureau of Legislative research and it has been published statewide. Mr. Gibson stated that if it is appropriate to publish in the Industry Guide we can do that as well. Mr. Gibson stated that there is a minimum 30 day period for public comment and upon receiving public comment the Board either acts to adopt a rule or based on the comment go back to step one. Mr. Gibson stated that after you go through the adoption process that you file the rule with the Secretary of State's office and it will be listed on their website in an area called Arkansas Register. Mr. Gibson stated that the by-laws of this District are on file now. Mr. McKeon asked how far in depth should they go with the language. Mr. Gibson stated that out of the 18 Districts there are only 5 Districts on file with the Arkansas Register. Mr. Gibson said that he suspects that you will see an increase push possibly through ADEQ or the AG's office to increase that number. Mr. Gibson stated that the North West Districts who did not own landfills but that taxed them went through a very comprehensive rule making process to implement their procedures and those ran up against judicial determination that they lacked authority. Mr. Gibson stated that there is at least one District that has gone into some detail about their licensure requirements and that it would be appropriate to take a look at that. Mr. Gibson stated that it is up to the Board the efforts, time, and resources of how much time you want to devote to the process. Mr. Gibson stated that he thinks that it would be worthwhile during the grant administration to keep in mind that it is something that should be looked at. Mr. McKeon asked what they need to do as a Board. Mr. Gibson stated that he would suggest the Board to take a position to do nothing or to get very deeply involved but thinks that if the Board is agreeable to looking at the areas that have been discussed today that the Board express that as administration and council to put together a framework. Mr. Gibson stated that there are some examples from other Districts. Mr. Grappe' stated that Faulkner County has a very stringent guideline for waste haulers and their compliance and it's very detailed that is done as a city ordinance. Mr. Grappe' stated that we know what we want to do with the grants and to make that public knowledge. Mr. Grappe' stated that for the second that we should go through the proper steps and the Board know exactly what it is that we want to register and license before we put the resolution together for adoption. Mr. Erwin asked what the authorization of the Board is. Mr. Gibson stated that as a regulatory that fits between ADEQ and the citizenry. There was some general discussion of the authority. Mayor Arey stated that there is a certain process that has to be done and that we need to continue doing them correctly. Mayor Arey stated that there is no change that needs to be done at this time. Mr. Gibson stated that he would recommend getting familiarized with the rules and if there are changes going forward then those can be implemented. Mr. Erwin asked if he could make a request for Mr. Grappe' to look into putting restrictions on waste haulers. Judge Fite and Dr. Brashears both agreed that right now that would be premature and that it would seem like retaliation against the haulers based on the past couple of months with the Curbside

recycling plan. Mr. Grappe' stated that right now there are guidelines in place for haulers by State law and they are being enforced and followed. Mr. Erwin stated that he withdraws his motion for his request for Mr. Grappe' to look into guidelines for the waste haulers. Mayor Arey stated that right now there is no action to be taken. Mr. Grappe' stated that he wanted Mr. Gibson to walk him through the steps of what he is going to do by either creating a resolution to adopt the guidelines or as a Board just adopt the rule. Mr. Gibson stated that everything has been done right. Mr. Grappe' stated that there is action that needs to be taken on the guidelines for the grant program. Mr. Gibson stated that we should wait to see what other Districts are doing and follow their example.

**Public Comments:** Ms. Gillham spoke more about Act 1333 and stated that the recycle branch at ADEQ is being proactive instead of being reactive in their education efforts and have been holding teacher workshops. Judge Fite asked Ms. Gillham if there is a possibility for a workshop in Saline County. Ms. Gillham stated that it would allow for 6 hours of professional development hours for teachers and could be something that they look into setting up. Ms. Hagerman with ADEQ introduced herself and thanked the Board for letting her attend and thought that the meeting was very interesting.

Mr. J.R. Walters made a motion to adjourn. Dr. Brashears seconded the motion. All were in favor and motion passed with no opposition.