

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF SPECIAL MONTHLY MEETING

October 11, 2022

Chairman Angelo Accetturo called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:33 AM.

Authority Members present: Angelo Accetturo, Richard Mach and Alex Lazorisak.
Also present (via google meets) Dan Perez, and Rob Larsen.

Mr. Accetturo asked to call the Monday October 11, 2022, PCFA meeting to order, please call the roll.

ROLL CALL:	Mr. Larsen	- Present
	Mr. Lazorisak	- Present
	Mr. Mach	- Present
	Mr. Perez	- Present
	Mr. Accetturo	- Present

Also present: Brian Tipton, General Counsel; Jonathan Knittel, Director of Operations; Jamie Banghart, Assistant Director and Mariann Cliff Administrative Assistant.

The Pledge of Allegiance was led by Chairman Accetturo.

Mr. Accetturo read the following statement: “Adequate notice of this meeting of October 11th 2022 was given in accordance with the Open Public Meetings Act by forwarding a schedule of regular meetings of the Pollution Control Financing Authority of Warren County (PCFAWC) to the Warren County Clerk, the Warren County Board of County Commissioners, The Express-Times, and by posting a copy thereof on the bulletin board in the office of the PCFAWC. Formal action may be taken by the PCFAWC at this meeting. Public participation is encouraged”.

PERSONNEL

Mr. Accetturo asked for input for Personnel.

Mr. Knittel stated that there was none at this time

GENERAL COUNSEL'S REPORT

Mr. Accetturo asked for the General Counsel's report.

Mr. Tipton replied he had none.

OTHER

Mr. Accetturo stated that three topics were listed for other business.

*Discussion of onsite and offsite sources of final landfill shaping material for 2023 capping program. Approximately 50,000 to 70,000 CY of shaping material is required in order to perform final capping of completed cells in 2023.

Mr. Knittel went over the need to get the capping done in a short amount of time. First it was a regulatory requirement, and it had been delayed for many years. Currently they have two engineering firms working on plans for the final capping. While most landfills try to derive a lot of that material from on-site, PCFA does not have readily available materials. This leads into the potential offsite options for sources which, at this time Mr. Knittel would be presenting a residentially clean tested source of approximately 39,500 CY of Processed Dredge Material for delivery this fall.

A lengthy discussion followed with all of the Board members, that included various options including soils, and varied products. The discussion included what other landfills in New Jersey used in capping projects and Material Acceptance Protocols that are built to help govern this process.

Importing half of the shaping materials in the form of PDM would generate a positive \$210,000 in tipping fees, some of which would be used for engineering costs.

Mr. Knittel said that it would take 200 trucks per day for 10 days of trucking to import the material. The dredging would be done by DonJon Marine, and RebcO Contracting for the trucking. These trucks would not come over the PCFA scales, they would be checked, documented and sampled by SESI Engineering who would be paid out of the tipping fees.

Mr. Knittel stated that other options such as soil or quarry imports would have to be looked at for the rest of the capping material, and / or processing of material already on-site.

A lengthy discussion ensued of possible odor related issues arising from this PDM and the path that those odors would take, along with methods that would be used to stop the odors if they started.

Mr. Mach was adamant that he did not want anything to do with the product if there was the chance of odors traveling.

Mr. Knittel stated that there were 2 locations that could store the material until springtime, then they would begin the process of shaping the slopes. The reason for two locations was to allow it to have some exposure to sunlight and air so it would then lose some of the moisture, even over the winter.

There was a very small time-frame to have the DEP go over the material analysis, and the checks and balances that were in place for the PDM. Also, approval by NJDEP.

Mr. Knittel stated that a signed contract was needed with Rebco Contracting Corporation, with the stipulation that if random testing showed higher levels of contaminants, they could reserve the right to refuse them. If there were any trucks that were turned away it would have to be worked out between Rebco and DonJon Marine. This would be based on data provided which indicates the material meets New Jersey Remediation Standards. (last updated May 17th, 2021).

Mr. Knittel also said that SESI Engineering group reported that there was no indication of contaminants above New Jersey Remediation Standards.

Mr. Knittel stated that this dredging site location was the northernmost pier in NYC (Pier 99) and it was dredged in 2013, 15 feet deep. In 9 years, the sediment has refilled. The material that has been coming down all these years, has tested residential-clean quality. 13.5 acres at 15 feet thick once dredged, would be treated with 8% Portland cement, then it would be trucked out 24 hours later.

Mr. Lazorisak asked if we had an M.O.U. (Memorandum of Understanding) or a contract.

Mr. Knittel replied that right then, they had a commitment letter from Rebco stating that they would bring it to the PCFA for \$6.00 a CY. But they would need a contract with Rebco and NJDEP approval along with the Letter of Acceptance (LOA) prior to any import, issued to DonJon Marine.

Mr. Knittel and Mr. Mach discussed dioxins, and how to look at the data of the chemical structure for the risk factor. Mr. Knittel had deferred to the engineers to look at that particular piece, and the email from SESI Engineering that the PCFA received indicates that there was no issue with the material.

Mr. Lazorisak suggested that when going back to the draft acceptance letter, they should also add in final contract, to be reviewed by Board attorney. Mr. Knittel agreed that he would get the contract and acceptance letter over to Mr. Tipton. What they did have was an Draft L.O.A. Letter of Acceptance, given from the person receiving the soil to the generator of the soil. This letter was also shared with the DEP. The NJDEP would not let the generator, in this case DonJon marine to dredge unless they have a place to put it.

Mr. Knittel reiterated that he had personally worked on several of the landfills previously discussed using the PDM material that had residential housing around them and never had any odor issues. Also Mr. Radomsky was on direct observation on some of those landfills that received PDM without odor complaints.

Mr. Lazorisak asked where they stood today, and when the delivery would be. Mr. Knittel replied that he believed it would be the first week of November.

Mr. Lazorisak stated that they have the Letter of Acceptance, when would they get DEP approval?

Mr. Knittel replied probably today, it would be pending a Board motion today. The contract between the PCFA and Rebcos would have to have all of correct language in it, such as a rejection clause and reviewed by Mr. Tipton by tomorrow.

Mr. Lazorisak was concerned that in this acceptance letter the attorney needs to specifically say based upon meeting these requirements, especially the DEP sign off. There needs to be a check and balance in this acceptance letter, then asked, when do they need this letter?

Mr. Knittel replied today or tomorrow, that they would want to mobilize the barge by the 20th of October.

The decision with the Board was to get the letter out and reviewed by the attorney and the Board by the next day.

Mr. Accetturo stated that he was surprised that the cost per yard was only priced at \$6.00, after some discussion it was thought that the cost was due to the urgency and the season.

After much discussion and looking at the map of the landfill it was understood that the material would be stockpiled close to the areas that would be using it in the spring. These areas would be State approved, and both were exposed and uncovered. One area, the burrow pit, was a depressed area so there was limited requirement to put up hay bales and silt fence around it and as there was no erosion control needed on three sides. The other one did not need erosion control either because it was a plateau that was in a lined landfill. The question was raised on how much money this endeavor was going to save. Mr. Knittel replied that this would save approximately 1.26 million dollars. (combining tip fees and import offsets)

Mr. Mach again stated his concern on the impact this would have on their neighbors that were close. He reminded everyone again, that they have a residential area, a school and business, all of which could be affected.

Another discussion was had again, on the possible odors and the cleanliness of the PDM Material. Also discussed in detail was how those odors would travel if they were present and how they would take care of it, if it did present itself.

The entire Board discussed in length, what the impact of having truck traffic from the Hudson River to Oxford at 200 trucks a day for approximately 10 days would look like. In conclusion, it was agreed that route 31 was built to handle that type of traffic and it would only be affecting Washington and Oxford for a short period of time, and that shaping material import was needed regardless of the source of the material.

Mr. Lazorisak stated that he wanted to revisit the odor issue, he believed that Mr. Mach had some valid concerns. He asked, if the product does have an odor could they cancel the contract? Would they be agreeable to that? Mr. Knittel replied that in that case he does not think that the State would approve the job, the job was contingent upon an outlet. Mr. Lazorisak and Mr. Knittel discussed in depth the odor of the PDM material and compared it to pouring a slab of concrete, the smell of Portland cement would be present for a period of time while it was curing. The PDM lets out an odor when it dries, the shorter the duration of drying, the more intensity of the musty

odor would be present. The longer the duration such as in the winter time, the curing process takes a lot longer to lose its moisture thus the odors were much less notable.

Mr. Knittel stated that this PDM material has been used all over the State of New Jersey and has not had any odor complaints on the sites that Mr. Knittel and Mr. Radomsky have used PDM.

Mr. Knittel also said that if they had unlimited sources of their own soil, which they do not, they would make their own shaping materials.

Mr. Lazorisak replied that's the issue, they do not have it. Then mentioned that it was good if the DEP was authorizing it for residential grade, they were much more stringent than anywhere in the Country.

Mr. Accetturo stated that the speed of the DEP's decision was giving him a bit of a pause. He had mixed feelings on the subject. The fact that the DEP was blessing it, was a plus. The fact that it had been used in so many landfills before and they have people who have worked with it on the job that were pro-using the product, was a plus.

Mr. Accetturo continued, there were a lot of different smells that traveled down the river and if this product does smell, Mr. Knittel has gone over how he could effectively stop it. Even if it was a temporary smell, it was not a toxic smell. It was a lot of money to save here and the fact that all these other landfills used it and guys on our team were saying that it was ok would be a point for it.

Mr. Accetturo also said that a point against it, was the fact that they were going to use closure funds for capping so, they have the money to do it the other way, with cleaner soils, if there were such a thing.

Mr. Accetturo stated that he would like to move forward, but he thinks that it was worth more than \$6.00 per yard.

The price of the material and the route they would take to get to the landfill continued to be discussed in more detail between the Board members. There was a big concern for the Township of Oxford and the possibility of having trucks backed up on the highway. Once inside the landfill the direction of these trucks would be going in the opposite direction of their regular garbage haulers, so inside the landfill would be smooth, but outside the landfill could possibly end up with a bottleneck. Mr. Knittel noted that they have room for 32 trucks on the internal asphalt road and more room on the landfill road outside the gate.

Mr. Knittel stated that they would have flaggers directing traffic at the gate so while it would be very busy for 10 days it would be sustainable and temporary. Very similar to the construction of the new cell when they were hauling in stone, that was up to 120 trucks a day and it did not affect the PCFA's operations at all. Also, in years past the truck traffic was much heavier than it was today, there should not be any issues.

Mr. Lazorisak asked Mr. Knittel that if they bring in this material how quickly can the capping be done to alleviate their leachate problem? Mr. Knittel replied that they would have some reduction to leachate production in two to three weeks. Immediately that top plateau of 2 ½ acres would have an effective cap on it.

A discussion followed on the type of shaping materials that were available, capping materials and the cost of getting them to the landfill.

Also discussed briefly was an increase in fuel surcharges for Tomco to finish the cell 7 project.

Mr. Lazorisak stated that he was inclined to go for importing PDM.

This was discussed in length again between the Board members along with the idea of doing it in the off hours and everything that would entail. Also discussed were the towns that would be affected and the route they would use.

Mr. Accetturo concluded that they just needed to work out the details but it seemed to him like a four to one in favor.

Mr. Knittel replied that he had the Draft Letter of Acceptance and the Draft Rebco contract, and he would email both to Mr. Tipton. He also would include the language letting them know that they would be doing independent testing and that the PCFA reserves the right to reject loads not meeting New Jersey Remediation Standards.

Mr. Knittel also pointed out that at this time, the DEP already has the data that they need and they would probably approve it in the next day or two. The letter of acceptance goes from the PCFA to the dredge company and they would also need a signed contract with Rebco, the hauler.

Also discussed was the time frame and urgency to get this done in this meeting.

In conclusion, a motion was made and voted on.

Mr. Lazorisak stated that he would make a motion authorizing the Director of Operations to work with Counsel on the draft acceptance letter as well as the contract. To be executed by the Director and reviewed by Mr. Accetturo and Mr. Lazorisak.

Mr. Larsen stated that he would second the motion.

ROLL CALL:	Mr. Larsen	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	No
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Accetturo stated the next item was the discussion regarding 2 pieces of equipment required in order to utilize onsite sources of daily cover, intermediate cover, shaping material for capping, onsite road material and production of cell 6 construction material.

Mr. Knittel spoke to the Board about the need for the correct machinery for this landfill. An excavator to help with winter frozen loads, also to be used with a screening system to utilize the existing materials here on-site. Mr. Knittel spoke of the research that went behind it, and let the Board know that he planned on paying for it from the FEMA money.

Mr. Accetturo and Mr. Knittel spoke about the total cost with the Board members and then a motion was made.

Mr. Accetturo stated that he would make a motion authorizing the Director to purchase the necessary equipment with the money from FEMA.

Mr. Lazorisak stated that he would second the motion.

ROLL CALL:	Mr. Larsen	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Closing Public Comments

Mr. Accetturo asked if there was any closing public comments.

ADJOURNMENT

Mr. Accetturo stated that he would make a motion to adjourn.

Mr. Lazorisak stated that he would second that motion.

ROLL CALL:	Mr. Larsen	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

*****Meeting was adjourned at approximately 10:58 AM***

Respectfully submitted by:

Mariann Cliff

Recording Secretary

Approved: