

CITIZEN'S ADVISORY BOARD

Cherry Island Landfill

October 6, 2014

Notes

The October 6, 2014 meeting of the Citizen's Advisory Board (CAB) convened at approximately 5:15 p.m. at the Cherry Island Landfill (CIL), 1706 E. 12th Street, Wilmington.

Attendees:

CAB

Anthony deFiore
Sandra Smithers
Vince D'Anna

DSWA

Michael Parkowski
Jason Munyan
Uriel Rodriguez

DNREC

Brad Richardson

Department of Natural Resources and Environmental Control (DNREC) update

Mr. Richardson presented DNREC's update on their activities at CIL (see attached).

Mr. Richardson reported two (2) fires that occurred at CIL during the 3rd quarter 2014. One on July 12 and the other on August 18, 2014. Both incidences were immediately reported to DNREC followed by written notification as required by permit. Both fires were discovered at the working face, isolated and doused with water and/or soil. When fully extinguished, the loads were landfilled.

During the 3rd quarter 2014, DSWA issued two (2) citations for yard waste. The first to Republic Services and the second to the City of Wilmington on August 15 and 21 respectively.

On July 29, CIL staff discovered damage to two (2) small sections of the liner on the south side of the landfill. DNREC was notified within the hour and arrived onsite later to view the damage. DSWA contacted Hallaton, Inc. to repair the damage which was completed on August 1.

There were no prohibited wastes received at the landfill during the 3rd quarter 2014. DSWA continued to control odors, litter and dust on and off site in accordance with their permit.

Mr. Richardson informed that all environmental complaints, including odor complaints should be reported to DNREC's toll free complaint line at 1-800-662-8802.

Ms. Smithers inquired as to what the cause of the fires was.

Mr. Munyan responded that the cause was not able to be determined at that particular time. However, it is not uncommon to receive a load of waste coming in to the facility smoldering or already on fire which is referred to as a hot load. Something could have been thrown out such as ashes, which once in the truck combust.

Mr. Richardson continued with the CAB's request regarding Peninsula and Green Recovery Technologies. Mr. Richardson informed the Board that he has in his possession drafted information (see attached) which he provided copies to all present at the meeting.

Peninsula/WORC

On August 27, 2014 a public hearing was held to determine approval for their application to renew their Beneficial Use Determination (BUD). To date, DNREC does not have an outcome. Currently, the Hearing Officer is reviewing the public comments, after which a report will be submitted to the Secretary for review. When this is done, the Secretary will issue a decision via a Secretary's Order. DNREC has in the meantime issued a letter to Peninsula allowing them to operate on an interim basis. Peninsula has voluntarily suspended their waste intake.

Mr. D'Anna inquired if their BUD expired on September 26 and if so what is the expiration of the extension? He also enquired as to whether there were funds set aside for decommissioning on the site?

Mr. Richardson confirmed that the BUD did expire on September 26 and the extension is good until the Secretary's Order is issued. Information regarding specific funds available was unknown.

Green Recovery Technologies

Mr. Richardson reported that this company wants to open a facility on Lukens Drive in New Castle. They propose converting poultry processing wastewater sludge into proteins for pet food. Currently they are going through the Coastal Zone Act approval process, which does not involve the Solid and Hazardous Waste Management Section (SHWMS). A public hearing is scheduled for October 22.

Ms. Smithers expressed concerns as to why Delaware, particularly this area seems to be the siting location of odor causing industries? She enquired as to who reviews these companies for their potential to cause such problems prior to them beginning operations.

Mr. Parkowski responded that there is no one answer as to why companies choose the area, and that would be based on each particular company's business model and specific

operational requirements. With regard to reviewing these companies DNREC is in place to determine if they comply with the Coastal Zone Act, as well as if they qualify for a Resource Recovery Permit.

Ms. Smithers acknowledged this but noted the community seems to be dealing with one odor issue after another and there doesn't seem to be an advocate for the community. When you're talking about public hearings, you're often talking about uninformed public. All they know is that we don't want any more odors. It was believed that DNREC was that organization that oversaw, or advocated, or at least took care of the public to an extent, but that doesn't seem to be the case.

Mr. Munyan expressed that he understood Ms. Smithers concerns, but he thinks that DNREC does look after these concerns. For example, when CIL had odors, DNREC stepped in and made us address those issues. Likewise, they have recently stepped in with Peninsula and ordered them to address their problems. On paper, these facilities are not supposed to generate odors, however there have been unforeseen circumstances that have caused issues and this area has been subjected to odors as a result.

Mr. Parkowski further elaborated, that it may seem as though these outfits don't want to fix their problems, but sometimes simply fixing them is not as easy as it seems. Speaking from DSWA's experience, we had a contractor who owned the system and were not managing it properly. We were in litigation to take control of the system, unfortunately it took time and during that time, odors were being generated. We wanted to address these odors as quickly as possible but as the system was not ours we could not make the necessary modifications. When we finally gained control of the system, we were able to begin fixing our odor problems. So, agreeing with Mr. Munyan, in some cases it's not that there isn't recognition of a problem; it's that there are additional contributing factors which require time and effort to overcome.

The Board members thanked Mr. Richardson and DSWA for the update and explanations and expressed that it was very helpful and appreciated.

CIL Update

Mr. Munyan reported about the two (2) fires discovered at the working face. They were handled immediately and reported to DNREC within the required time frame as required by permit. After twenty-four (24) hours, the extinguished loads were landfilled.

Mr. Munyan continued to report that there was some minor damage to the liner during excavation for some piping connection in the area. The damage was identified, reported and repaired. One thing to note is that the damage was on the back side of the anchor trench, beyond the limits of waste. Therefore no landfilling will occur over this area.

DSWA received renewal on our New Castle County Wastewater Permit allowing for continued conveyance of our leachate to them.

The I-495 Bridge has been reopened in both directions, so CIL resumed normal operating hours.

One of the older inbound scales failed due to age and wear and tear over time. A new replacement scale was installed, calibrated and is fully functioning.

Lastly, the solar array located on the western side of the facility adjacent to the Army Corps property is fully functional. The electricity being generated is currently being utilized on site.

Mr. deFiore noted that at the last meeting it was stated that the City of Wilmington (COW) will be taking gas for their project. He inquired if this was occurring yet?

Mr. Munyan explained that the COW is not online yet, but from what he understands, they are very close. He does not know what the scheduled startup date is though.

2015 Meeting Schedule

Mr. Parkowski expressed that he understood that there is no quorum, but asked if the Board had any objections to the suggested meeting schedule for 2015.

All Board members present agreed on suggested scheduled meeting dates for the record as follows:

Monday, April 6, 2015
Monday, July 13, 2015
Monday, October 5, 2015

The next meeting is scheduled for Monday, 01/12/15 at 5:00 p.m. at CIL

Meeting adjourned at approximately 6:02 p.m.

DSWA Cherry Island Landfill Summary for the Citizens Advisory Board
Prepared by Brad Richardson, DNREC Solid & Hazardous Waste Management Section
October 6, 2014

1. During the 3rd quarter of 2014, DSWA recorded no complaints in their Odor Complaints Log. The last odor complaint was reported in 2013.
2. There were two fires reported at the CIL during the 3rd quarter of 2014. In accordance with the conditions of their solid waste facility permit, these incidents were immediately reported to DNREC and followed up with written notifications within the prescribed 5 working days.
 - Saturday, July 12, 2014.
 - Monday, August 18, 2014.

In both cases, the fires were discovered at the working face of the landfill. Operators isolated the material that was on fire from the working face, and doused the material with water and/or soil. After a period of time the material was checked to determine whether the fire had been extinguished before being landfilled.

3. No prohibited wastes were reported as received at the landfill during the 3rd quarter of 2014.
4. During the 3rd quarter of 2014, DSWA issued two citations for yard waste at the working face. The City of Wilmington and Republic were cited for violated the Yard Waste Ban on August 21th and August 15th, respectively.
5. On July 29, 2014, CIL staff discovered damage to two small sections of liner in the anchor trench adjacent to landfill gas lateral No. 10. The incident was reported to DNREC within the hour. The damage occurred as a result of excavation activities to connect gas lines. Once the damage was noted, the damaged portion was tarped and arrangements to have Hallaton, Inc. repair the damage were made. On August 1, 2014, Hallaton repaired the liner. No further repairs are required.
6. According to our on-site inspections during the 3rd quarter of 2014, DSWA has controlled odors, litter and dust both on site and off in accordance with the conditions of their solid waste facility permit.
7. Please note that all environmental complaints, including odor complaints, should be reported to DNREC's toll free complaint line: 1-800-662-8802.

DSWA Cherry Island Landfill Summary for the Citizens Advisory Board
Prepared by Brad Richardson, DNREC Solid & Hazardous Waste Management Section
October 6, 2014
Extraneous Agenda Items (not pertinent to CIL)

Peninsula/WORC

Following a request, on August 27, 2014 DNREC held a Public Hearing on Peninsula Compost Company's application to renew their DNREC-issued Beneficial Use Determination ("BUD") Approval. The public hearing was to incorporate public comments into the decision process. Close to 200 people were in attendance at the Hearing, mostly from the communities closest to the facility, as well as several elected officials from the State Legislature, County Government, and City of Wilmington. The BUD Approval is essentially a permit that allows Peninsula Compost Company to compost organic waste. The BUD contains an expiration date of September 26, 2014.

The Department (DNREC) does not have an outcome of the hearing, rather there is a process that is unfolding following the Public Hearing. The public comments need to be reviewed by the Hearing Officer (Robert Haynes), including those comments that came in during the extended public comment period (after the Aug. 27th Public Hearing through 9/10/14). Then the Hearing Officer produces a report for the Secretary. The Secretary reviews the report and issues a decision via a Secretary's Order. Three possible outcomes are: 1) renewal of the BUD approval as is, 2) renewal with further restrictions, or 3) removal of approval/shutdown. Again, The Secretary has not made his decision and we do not know when that might occur. That timing is unknown. The Hearing Officer's report, the Secretary's review, and related processes take time.

DNREC has issued a letter to Peninsula allowing them to continue to operate on an interim basis until a Secretary's Order is issued.

Separate from any decision of the Department, Peninsula has indicated that they have voluntarily suspended their acceptance of waste. We do not know if this is temporary or permanent or any other details.

Please direct any Peninsula/WORC related questions or concerns to Mindy Anthony or Bill Miller (302-739-9403 x8). People should also feel free to contact the facility as they see fit (302-777-3664).

Green Recovery Technologies

This entity is seeking to open a facility at 42 Lukens Drive in New Castle to process poultry processing wastewater sludge from South Carolina into proteins and lipids for pet food markets. They are currently going through the Coastal Zone Act approval process. This is not a process involving DNREC-SHWMS, it is a separate section of the Department. A Public Hearing will be held on Wednesday, October 22, 2014 at the DNREC office building at 391 Lukens Drive, New Castle, beginning at 6:00pm. Interested persons may contact Kevin Coyle at (302) 739-9071 for more information. The Public Notice with links to the application can be found here:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=2493&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>, or by going to www.dnrec.delaware.gov, clicking "Public Notices". Prior to operating, the facility would also need a Resource Recovery Facility Permit, which is a DNREC-SHWMS process. The facility is aware of this requirement, but as of this date, has not submitted an application.