

LB 1101 2nd Committee Meeting
December 13, 2016
Holiday Inn Conference Center, Kearney, NE

In attendance: Committee Members Kelly Danielson, Rick Yoder, George Hoellen, Ed Sadler, Jim Weber and Danielle Easdale. Also in attendance Don Arps, Candice Schroeder, Joe Francis, Tricia Scott, Mike Felix, Carla Felix, Dave Haldeman, and Jack Chappelle

Committee Members not present: Jo Leyland, Fred Hlava, and Lash Chaffin

- I. Joe Francis led introductions, discussed the Open Meetings Act, and distributed packets of information to Committee Members. The necessary forms for travel reimbursement for the committee were made available.
- II. The purpose of the meeting is to establish some actionable items to develop the RFP for hiring the consultant to conduct the LB 1101 mandated study. The Committee also needed to establish how they want to conduct meetings, whether they would need additional meetings, and provide input on having public meetings.
- III. Review of minutes. Ed Sadler called for a review of minutes from the first meeting. There were no objections or corrections. The minutes were declared official.
- IV. DEQ Presentation
 - A. LB 1101 Statutory Purpose
 1. Require a study to examine status of solid waste management programs.
 2. Create an Advisory Committee
 3. Eliminate Obsolete provisions
 4. Harmonize Provisions
 - B. Five issues that have to be addressed pursuant to statute:
 1. Existing state programs regarding litter and waste reduction should be merged/amended
 2. Assess recycling and composting programs
 3. Partnering of political subdivisions, private industry, and private nonprofit organizations
 4. Recommendations of existing and possible new funding sources to address solid waste management issues.
 5. Revisions to grant programs to address issues in a proactive manner.
 - C. Keep in mind the study will not be able to cover every issue brought up. We hope to have a study that covers 8-10 issues in some detail and includes recommendations for moving the state forward. We would like actionable items so, five years down the road we can look back at the study and say it played a role in what is going on.
 - D. A number of the obsolete statutes are provided in the committee notebooks.
 1. In the Litter Reduction and Recycling Act, there are provisions about providing containers and receptacles

2. The Integrated Solid Waste Management Act contains language referring to deadline that have already passed. Communities were required to submit declarations of capacity with regard to landfills for the next 20 years. It is past that timeline.
 3. Plastic Container Labeling Act-Talks about requirements the industry area already doing.
 4. There are others as well, these are just a few examples. The draft report from the consultant may have a list of regulations with comments about why the regulation is obsolete.
- E. Prioritization of issues based on initial round of voting
1. Recycling-13 votes
 2. Materials Management- 8 votes
 3. Information-7 votes
 4. Landfills- 6 votes
 5. Regionalization- 6 votes
 6. Waste Management Systems-5 votes
 7. Local Siting- 4 votes
 8. Composting- 3 votes
 9. Grant Programs- 1 vote
 10. Hierarchy- 1 vote
 11. Energy/Tire derived fuel- 1 vote
 12. Fees- 1 vote
- F. Assessment of issues
1. Looking at issue papers for the priorities being selected. Criteria to be considered for each issue. Criteria to be considered include:
 - a. Statutory or regulatory action needed
 - b. Obstacles to change
 - c. Role of partners- state, private, non-profit
 - d. Incentives needed
 - e. Information and metrics needed
 - f. Educational needs
 - g. Fees- appropriate role, source
 - h. Emerging technologies/processes available
 - i. BMPs from surrounding states
 - j. Goals, should they be established and at what level
 2. Some of the criteria may provide major part of the paper, or they may not play a significant role at all.
 3. The merger of Litter and Waste Reduction programs and revisions to grant programs are very similar. Assessing recycling programs was at the top of the list, but composting programs and grant programs didn't score very high. Both will still need to be addressed in the final rankings.
- G. LB 1101 Schedule
1. RFP release- Mid-January
 2. RFP deadline- End of February

3. Award Contract-Late March/Early April
4. Public Meetings-May/June (if needed) The RFP calls for two public meetings, one in Omaha/Lincoln and one to be held west of North Platte.
5. Committee Meetings-July/September (if needed) RFP also calls for two more Committee meetings. May not need them, but anticipated the Committee would meet to review the draft report, then meet again to respond to the final report.

V. Expectations

- A. Rick Yoder is happy with the prioritization. Wants to know when the Committee will respond to the requirements. That will happen with the draft report.
- B. Kelly Danielson thanks everyone for the opportunity to serve on the Committee. He started with DEQ in the early 1990s as a landfill inspector. He believes it's time to re-evaluate the waste management programs. He is currently District Manager for Waste Connections, managing their landfills in eastern Nebraska. He also serves as Chairman of Keep Nebraska Beautiful. Jane has talked about food waste/composting a lot, and it's a priority for him. While Nebraska has a lot of land capacity, landfills are encountering difficulty with siting and capacity issues now. It will only get more difficult 5-10 years from now. He feels they need to stress recycling.
- C. Rick came back to Nebraska after 10 years in Alaska where he worked in public works on the North Slope. Pollution prevention has been a passion of his throughout his career. He feels when evaluating any strategy for waste reduction, the environmental impact needs considered as much as the environmental footprint. Oregon and Minnesota are doing great things with materials management especially in their long-term thinking. Prioritizing some materials allows you to focus on materials management rather than waste streams. How can we make green practices more accessible without making them burdensome? Regionalization is also a priority, because he feels we should consider waste management by waste shed approach rather than by political subdivision.

VI. General Discussion

- A. Don Arps is a facilitator working through the Center for Operational Excellence. Often finds himself facilitating events like these where he does not have much working knowledge or background. The comments were very helpful in allowing Don to frame what the Committee is here to do.
- B. The issues need to have 8 prioritized, which will be covered in the report, as well as two "on deck" issues which will likely be covered. The 8 selected issues will be the core.
- C. Danielle Easdale raised the question of the hierarchy needing its own item, as it's not a big workload issue.
- D. When Rick looked over the Grant Programs and Fees discussion from the first meeting, he saw several incentivization suggestions. We might want to consider more direct engagement with incentives for grants.
- E. Rick also feels composting should be a subset of recycling. More general language in the recycling portion of the report could be used to include composting. He explained materials management is a full lifecycle analysis, maybe 7% of that is on waste management side of it. Composting can be woven into the framework of recycling for a long-term view. Currently, composting is a timely topic, there are a lot of federal

resources available for projects. However, once the focus moves on from it, then it could be ignored completely or forgotten as a strategy.

- F. Danielle said a review of fees will require a review of grants because DEQ funds some of their grant programs through fees. When those fees are collected, some of the money goes towards the grants and some of it goes towards managing the programs. Return on investment needs to be considered. Are we getting what we expect from the distribution of those grant funds?
- G. Rick suggested if waste reduction is agreed upon as a goal, then a pay-as-you-throw structure may be the best approach.
- H. Joe asked Carla Felix if a timeline of 2018 before anything happens with the legislature is accurate. She concurred.
- I. When it comes to information, Dave can tell how much is going into each landfill based on the \$1.25 /ton fee collected, he does a conversion from the payments which are received quarterly, and can calculate the total tonnage going into the state's landfills. However, they don't require any more information.
- J. Lash Chaffin texted (he was unable to attend the meeting), and stated he wanted to see more information being provided as a priority issue.
- K. Ed Sadler said information he would like to know is the fees all landfills are charging to their customers. If they aren't charging sufficiently to cover long-term care and costs of the facility, then they need to be made aware of that. If this is a direction the study takes, it needs to be made very clear to the consultant.
- L. In response, Dave explained there are different types of financial insurance guarantees to fund closure and post closure operations. DEQ doesn't drill down too deeply on financial assurance. Does a landfill have to charge an appropriate amount to fund itself? DEQ has no such requirement.
- M. Jim Weber asked if a facility is a government or public entity, then what's the point of dictating a minimum charge?
- N. Ed suggested the consultant could come up with an ideal fee structure and what it needs to cover, more like a prototype recommendation that could be used to determine how to charge fees.
- O. Danielle added people need to understand the true cost of a landfill, and that goes into the information category. Data gathering will contribute to being able to give better information. Reports and metrics can be developed when there is data available.
- P. Dave explained the fees in the statute are just designed to fund the government programs. If the state charges \$1.25/ton how does that affect recycling? As far as any fee goes, NDEQ will look at it towards funding programs. Carla said the Legislature tries to allow local governments to take care of local issues.
- Q. Don asked if the Committee thinks fees should be a separate category as it is now. It is included on the assessment list, how much attention do we want on it? Kelly thinks it needs to be its own topic. All Committee members present agree Fees should get its own position paper.
- R. Should information be focused on the cost of waste management? Danielle said no, the cost should be the natural output from data gathering. At the last meeting, there was a

lot of discussion about the flow of information between haulers, regulators, landfills, and other facilities.

- S. Rick asked when discussing other funding sources, have we talked to other partners? He thinks there are many opportunities for partnerships with other agencies. Do we want to include partnerships as its own topic? Ed said he believes that will end up leading to a whole lot of what if, without much ability to provide concrete suggestions. The Committee agreed they want to use individual topics to narrow the focus on partnerships in relation to each topic.
- T. There were no additions to the list of prioritized issues.

VII. Specific Topic Discussions

- A. Hierarchy is a pretty simple thing to look at. It requires a change of legislation because it's a policy statement. Does it become important when divvying up grants? The only example Dave could think of is incineration for tire-derived fuels, which is prohibited from receiving grant money. Otherwise, it's not considered. Danielle and Ed both agreed even though the topic is straightforward, they don't want to see it dropped.
- B. The question was raised about the differences between local siting and regionalization. For landfills, there is SWDA law for local siting. If you want to do a project that requires local siting, there is a review process. Regionalization is coming up with the economics of paying for the facility you want to permit.
 - 1. Kelly said most landfills are regional, meaning they often take waste from several communities. However, the local entity where the landfill is located is the one making the decisions. During the 1990s, a consultant originally said 7 landfills could serve the entire state, but there were many parts of the concept that wouldn't make sense. Some portions of regionalization are already in place. Most operating landfills use transfer stations, etc. We focus on waste reduction but not on waste toxicity.
 - 2. Dave said Jo Leyland wanted a spoke and hub recycling system, which would also incorporate some regionalization.
 - 3. Kelly continued that local siting and regionalization have different components and need to be kept separated.
 - 4. George Hoellen said the regionalization discussion at the first meeting included some grant discussion because putting money where it makes more sense is a better use of resources.
- C. Waste Management Systems needs to remain separate because it fits in so many areas.
- D. The Landfill discussion has been more about bans and capacity, so the topic name should be changed to Landfill Capacity and Utilization to better reflect how the issue should be studied. When the issues list goes to the consultant, there will be guidance included.
- E. Rick said Hierarchy fits with Materials Management. Ed said at that point, the topic starts to include Recycling and Composting. The difference is shown on page 2 and page 13 of the Minnesota 2015 report.

VIII. Voting on priorities

- A. Each Committee Member got 8 votes. They used a sticky note to put the number of their votes they wanted to use on the appropriate topic poster.
 - B. Mike Felix needs to have a list of points for each topic to be covered. The priorities list from the first meeting has the appropriate level of detail, but instead of questions, the RFP needs to have actionable items.
 - C. The assessment of issues list can be used to create the RFP. There are many subtopics, some need to be weeded out.
 - D. Mike prefers to use the assessment of issues list as a jumping off point for the Committee's input on the scope of work.
 - E. Results:
 - 1. Recycling & Composting -13 votes
 - 2. Materials Management -12 votes
 - 3. Information -10 votes
 - 4. Grant Programs, Fees, & Incentives - 4 votes
 - 5. Regionalization – 2 votes
 - 6. Landfills- 2 votes
 - 7. Hierarchy- 1 vote
 - F. NDEQ needs to release the RFP by the middle of January. It needs to go through DAS first, which will take a minimum of 30 days. The Scope of Work needs to be submitted to DAS by Christmas.
- IX. Public Meetings
- A. DEQ thought 2 of them would be needed. 1 of them for the Omaha/Lincoln area and one of them in Ogallala or somewhere west of North Platte.
 - B. The purpose is to go to the public with the priorities and discussion to get public input.
 - C. The other possibility is to go out to the public with a draft report.
 - D. The Committee suggested posting the timeline on DEQ's website with a statement somewhere saying if you have ideas please submit them and give a link to a submission form.
 - E. There would likely be three meetings in August if this plan is followed, the first with the Committee to look at the draft report, then two public meetings
 - F. Dave believes DEQ could handle the report the same way they do with changes to rules and regulations.
 - 1. The changes are posted on DEQ's website. The public can submit comments via the website or by sending in written comments.
 - 2. If there is enough interest to hold public meetings, then the meetings are held.
 - G. Potential timeline for public review:
 - 1. The draft report will be submitted to DEQ
 - 2. The Department will review the report.
 - 3. The report will be posted to the DEQ website.
 - 4. In two weeks, have the Committee meet to review and discuss the draft report.
 - 5. 2 weeks after the Committee meeting, have two public meetings.
 - 6. Consolidate the feedback from meetings and incorporate into draft.
 - 7. Finalize the report.
 - 8. Give the finalized report to the Committee

9. At the end of September/beginning of October, the Department makes their recommendations
- H. The LB 1101 Official Notebook should have an index/reference page.
- X. Scope of Work Discussion
- A. Would it be better to come up with a guiding goal for each topic? If the topics stay with the statutory requirements, then it would be assessed according to those criteria. Not all of the topics may fit those criteria.
 - B. Information
 1. The consultant to evaluate the possibility of processing statewide data
 2. From a recycling standpoint, Danielle would like to see what the per ton charges were, including if they varied per customer
 - a. Haulers could give data on tons landfilled, composted, and recycled
 - b. Recyclers could report tons recycled per commodity
 3. Ed was concerned because they aren't recycling, so they would not have the numbers like other areas would. Danielle said if they have the data that shows you aren't recycling, then they can start asking why and what they can do to make recycling more feasible. We need the data to do these kinds of analyses.
 4. There needs to be a method of data collection. Does the data collection need to be done incrementally more than is being done now, or does it need to move towards what's being done in other states? They aren't suggesting what the report should do, but would like to see methodology and a plan to eventually get there based on BMPs from other states.
 5. Ed believes the report and DEQ need to talk about what DEQ will do with the information so people don't have the perception the government is just collecting information to collect it. Benefit to the public needs to be demonstrated.
 6. Kelly said there's very little information on what's getting recycled in the state. Ed added more information could help identify the next thing that needs to get out of landfills.
 7. Rick would like to see information at point of purchase to help consumers make informed decisions.
 8. The Committee agrees they would like to see the report establish future data collection goals with the intent to use the data.
 - C. Materials Management
 1. Kelly suggested evaluating what other states are doing and how it could be applied in Nebraska.
 2. Rick said looking at the 2009 EPA report <https://www.epa.gov/sites/production/files/2015-09/documents/vision2.pdf> in addition to Oregon and Minnesota. Try to shift from management of waste to prevention of waste.
 3. Jim said he views the waste stream as raw materials and feels people need to think about how to use those materials. Rick said tension arises because materials management can be perceived as not allowing the waste to be a low cost resource, because it costs less to landfill waste than it does to find solutions.

4. Kelly added there is a big push towards manufacturers to bring in consultants to help them minimize waste. Jim would like to see some research into these kinds of things in the report. Rick said this topic can bring partnerships in. Ed would also like to see what other state and local governments are doing. Danielle said this would also be a good topic to explore partnerships with economic development agencies, manufacturers, etc. Grant programs can be used in some instances to retrofit existing equipment. They can try to help manufacturers get to zero landfill.

D. Recycling and Composting

1. Ed said some of this is already in the information topic. If he is able to get information on how much material he has to recycle and how much his neighbors have, then they could form a group to consolidate materials and make recycling more economically feasible.
2. Jim wants to see information on methods of recyclable collection. Kearney has a great system. They use a recycling container that, once filled, goes to the recycling station and is hand sorted. Other places have little containers. Which ones work and which ones don't?
3. Danielle thinks the report should include looking at recycling co-ops. That sounds like what Ed wants. Ed said the state is going to have to help facilitate this. If they can help put co-ops together, maybe by making a sort of "match.com" site for recycling data, then they could join forces. Jim said they're also going to need data on transport costs.
4. The report will need an ROI on methods.
5. Rick said the Waste Shed idea should at least be considered. There are areas of the state where it's not feasible. The environmental impact of transport needs considered. There needs to be a data driven strategy to develop state facilitated regional co-ops. Developing a methodology to collect data will help determine which recycling methods are viable and feasible.
6. Danielle would like to see recommendations to overcome issues and hindrances especially with hub and spoke recycling systems.
7. Rick cautioned sometimes when regulations or programs are set up, they get locked into the initial method, even when better methods come along. He would really like to have the report look into other methods.
8. Danielle would like the report to explore other ways recycling can be incentivized in Nebraska. Jim asked how effective bottle bills are. Rick said pay-as-you-throw should also be mentioned.
9. Rick thinks using the food waste hierarchy for composting is a good idea. There are good opportunities for partnerships at the top levels of that hierarchy.
10. Kelly said because Nebraska has so much agriculture, they should have a good composting program.
11. Rick wants the report to consider food waste used in methane generation. On a city scale, there are several programs in the region that are effective. BMPs from other states should be included.
12. Joe said it sounds like composting and recycling should be separated.
13. Jim asked how large does a methane operation need to be before you break even?

14. Rick said the report could skip methane, but composting needs to be discussed separately, though it should still be kept within the recycling report.
 15. Danielle would like to see examples of BMPs for compost and food waste that are working.
 16. Kelly would like the report to say something about obstacles Nebraska will encounter.
- E. Grant Programs, Fees, and Incentives
1. DEQ has three grant programs, but one project can qualify for more than one program.
 2. Ed said Nebraska is a different kind of state. Local governments are limited by what the state allows them to do. He would like to see grant programs left open enough to allow for some creativity. One program for dealing with waste would be great, but the money should not end up earmarked for narrow purposes.
 3. Kelly wants to see the programs treat applications equally for public and private industries.
 4. Danielle would like information on lessons learned. If this information is shared with the public as part of the grant requirement, then others can learn. She wants to have more information disseminated to the public and more general grant communication.
 5. Joe said Dave is committed to sharing BMPs, but having strong recommendations in the report will help DEQ achieve that.
 6. Danielle said making grants a learning opportunity for everyone can help make them more strategic towards developing more sustainable programs.
 7. Jim wants to see grants become more responsive. If he has to wait for the grant process to take place, then funds arrive way too late because he runs a for-profit business.
 8. Danielle asked if administration of current programs is adequate or does it need to be overhauled?
 9. Kelly said some money is available throughout the year.
 10. Rick said if grants are awarded based on minimum requirements, then you're building infrastructure. If grants are awarded competitively, then it spurs creativity and innovation to develop programs. Both are valid but achieve different things.
 11. Jim would like to see grants to businesses look more like the Community Block Development Grants, where it functions like a 0% loan. It would be like an SRF fund for waste. Danielle asked if that would be similar to the Closed Loop Fund, which is a national program. <http://www.closedloopfund.com/>
- F. Landfills
1. Danielle said when it comes to bans, they mandate enforcement. The economic reality is, if the ban has no enforcement, it's ineffective.
 2. Rick said the EPA Sustainable Materials Management: The Road Ahead report has a list of items that could be banned.
 3. Joe said to keep in mind, a ban is a ban at the curb, not at the landfill.
 4. Danielle asked what the objective of a landfill ban is. If you're going to do it, how are you going to do it?

- XI. Draft
 - A. The Scope of Work needs completed, but the turnaround time is going to have to be immediate.
 - B. Jim suggested Mike could send out a request for things he needs clarification on.
ACTION ITEM: Mike said he could indicate that within the draft.
- XII. Public Comment
 - A. Jack Chappelle said he appreciated the opportunity to attend the meeting. He was very impressed with how the Committee worked during the meeting and how much they accomplished.