

# Hazardous Waste Site Review Committee Meeting

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September 20, 2016, 4:00 PM CDT  
Grand Island Public Library  
Meeting Room Center  
211 N Washington St.  
Grand Island, NE 68801

**I. Open Meetings Law information – verification of public notice, availability of copy of law in the meeting location - NEB. REV. STAT. §§ 84-1407 through 84-1414 (1999, Cum. Supp. 2006, Supp. 2007)**

The Chair, John Turnbull, called the meeting to order at 4:00 PM Central Daylight Time. Chairman Turnbull verified public notice and availability of copy of law in the meeting location.

**II. Roll Call**

Eleven of the twelve appointed committee members were present; the quorum was met.

First Name	Last Name	Attendance
Teresa	Anderson	X
Greg	Baxter	X
Karen	Bredthauer	X
Chris	Exstrom	X
Alex	Harness	X
Brad	Kloss	X
Chad	Nabity	
Dan	Purdy	X
Jon	Rosenlund	X
Casey	Sherlock	X
Timothy	Smith	X
John	Turnbull	X

*Others in attendance: Mark Vess-Heritage, Dwight Miller-Heritage, Joe Francis-Nebraska Department of Environmental Quality (NDEQ), Siew Kour-NDEQ, Mark DeKraai – University of Nebraska Public Policy Center (UNPPC), Quinn Lewandowski- UNPPC, and four members of the public*

**III. Review and Approval of August 23rd, 2016 Meeting Minutes**

Greg Baxter made a motion to approve the August 23, 2016 meeting minutes. The motion was seconded by Casey Sherlock; the motion passed by roll call vote with no abstaining votes and no dissensions. Committee member Jon Rosenlund was absent at the time of this vote.

- **Yea:** Anderson, Baxter, Bredthauer, Exstrom, Harness, Kloss, Purdy, Sherlock, Smith, and Turnbull

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- **Nay:** None
- **Abstentions:** None

## **IV. Review of Agenda and Update of Notebooks**

Mark DeKraai gave a brief overview of the meeting's agenda. Joe Francis worked with committee members to update their notebooks.

## **V. NDEQ Update/Question and Answer**

Joe Francis thanked the members for their service and excellent attendance to the meetings. Joe encouraged all members of the committee to continue to share their expertise, opinions, and experiences to further help draft the report. Joe noted the two white papers that were sent to committee members, which were inserted in the notebooks and will be included in the report as meeting materials for the September meeting. No questions were proposed for NDEQ.

## **VI. Heritage Update/Question and Answer**

### **A. Project update**

- a. Heritage noted the written responses to questions from the committee at previous meetings, which were handed out to committee members and will be included in the report under meeting materials for the September's meeting.
- b. Army submittals
  - Heritage has started bi-weekly calls with the Army to keep them up-to-date on what is happening in the NDEQ process and Heritage is meeting all the deliverables that Army is requesting (e.g., detailed safety plans and quality assurance plans are being reviewed by the Army).
- c. Designs status
  - Heritage will be meeting with the process engineer-equipment manufacturer to work on the process engineering and design of the facility on Oct. 4<sup>th</sup>
- d. Permitting status
  - The Site Review Committee Report will be submitted in October.
  - The air permit application will be submitted in the first quarter of 2017.
  - The RCRA permit application will be submitted in the first/second quarter of 2017.

### **B. Update on outstanding items**

- a. High groundwater – There are engineered solutions for that issue. This is a part geotechnical evaluation.
- b. Federal contract/ regulation (e.g., US Army, ATF) compliance – Heritage's contract language is driven by a set of requirements for the demilitarization of the stockpile by the U.S. Government. New regulatory requirements levied by the EPA are also included. This contract is for the demilitarization of approximately 18% of the HC smoke stockpile in the United States. The rules and regulations are

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very specific and are RCRA compliant, EPA compliant, as well as primary program compliant.

- c. Picture of a rotary kiln – added to report
  - o It was moved that the picture of the rotary kiln submitted by Mark Vess be included in the report. This change was accepted.
- d. Chemical transformations – products of ignition are in the report (ZnCl<sub>2</sub>, chlorinated vapors, FeO, ZnO, Al<sub>2</sub>O<sub>3</sub>, PbO)
- e. Site map of the facility – Have been added to report
- f. Transportation routes – Have been added to report

### **C. Question and Answer**

*Is there a lot of cushion between where you are planning your construction and the groundwater?*

There is a strong cushion and this is another important component that will be engineered for.

## **VII. Review Draft Report**

### **A. Review and Modify Format**

Mark DeKraai led a brief overview of the changes that were made to the report since the previous meeting.

It was proposed that Casey Sherlock's listed position be corrected to:

*Hall County Surveyor and Public Works Director*

This proposed change was accepted.

Greg Baxter recommended that the committee examine and edit the Committee Comments table for the lay person to easily understand the brief synopsis in the table and not jump to conclusions with only reading the synopsis and not going into the referenced minutes and materials. This proposed activity of editing the table was carried out in the Review Issues, Concerns, Questions, Comments, and Findings for Other Factors section below. The Public Policy Center agreed to add more content and rationale to the committee comments column for each of the eight factors.

### **B. Generate Issues, Concerns, Questions, Comments, and Findings for Plans for Emergencies and Enforcement Provisions**

*Any questions were placed in the question and answer section below*

#### **a. Plans for Emergencies**

Jon Rosenlund, committee member and Hall County Emergency Management Director, stated that any issues relating to emergencies have been addressed in this process and the documentation around this factor is adequate. Jon also recommends that this section of the report be approved. Jon Rosenlund also

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requested that it be noted that after personal review of Heritage's safety record, that Heritage's track record is quite impressive, and the plan for this facility appears no more dangerous than work they already have been doing for years (i.e., disposing and recycling ammunition, explosives, and derivative materials using EPA compliant processes). Their safety record, standards of practice, history of compliance, and focus on safety of their workers and the community bodes well for their future work with this contract. The committee agreed to move forward with no additional changes recommended for this factor

### ***b. Enforcement Provisions***

It was recommended that the report include the following recommendation: *Local government should consider repermitting or review of a conditional use permit every five years following the same cycle of the RCRA permit, and there also should be consideration of review if there is a situation of a RCRA class I, II, or III modification.*

This recommendation was accepted and will be included in the report.

## **C. Review Issues, Concerns, Questions, Comments, and Findings for Other Factors**

### ***Site Characteristics***

Under the "How will surface and ground water be protected?" section of the table it was recommended that the wording be changed to:

*Heritage's plan and design and NDEQ regulations will ensure the protection of water.*

This recommendation was accepted.

Under the "How much water will be used?" section of the table it was recommended that the wording be changed to:

*It appears Heritage water usage will not be significant to other current surrounding groundwater users.*

This recommendation was accepted.

Under the "What method will be used to restrict wildlife access to evaporation ponds?" section of the table it was recommended that the wording be changed to:

*Heritage pledges to provide adequate safeguards to protect wildlife.*

This recommendation was accepted.

### ***Facility Functions***

It was recommended that any statement throughout the comment section include the following wording where appropriate:

*...appear to be adequate and in regulatory compliance.*

This recommendation was accepted.

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Under the “Will there be fire suppression systems & sub-floor secondary containment design in the new facility and receiving building?” section of the table it was recommended that the wording be changed to:

*The measures for fire suppression appear to be adequate and in regulatory compliance.*

This recommendation was accepted.

### ***Technology***

Under the “What chemical transformations occur with the materials?” section of the table it was recommended that the wording be changed to:

*Based on the information that the committee has at this point the committee has sufficient understanding of the likely chemical transformations, and the public has access to this information.*

This recommendation was accepted.

### ***Environmental Quality***

Under the “What kind of health issues were shown for individuals with prolonged exposure to the smoke?” section of the table it was recommended that the wording of the issue or concern be changed to:

*What kind of health issues were shown for individuals with prolonged exposure to the HC smoke?*

This recommendation was accepted.

It was recommended that any place in the table that “adequate safeguards” are addressed in a section of the table that the wording be changed to:

*Adequate regulatory safeguards appear to be in place...*

This recommendation was accepted.

### ***Enforcement Provisions***

It was recommended that the committee comments in this section reinforces that there are a lot of people examining and approving the Heritage site. Especially in the “How will the county and state know of federal contract/ regulation (e.g., US Army, ATF) compliance?” section the following wording was proposed:

*The committee recognizes that there are many federal agencies that are going to examine and review Heritage’s compliance. Heritage has given information of how that information can be accessed by local and state entities. This committee believes that is adequate.*

This recommendation was accepted.

### ***Transportation***

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Recommendation that the recommended main route be included on the map, with only one secondary route listed on the map. The secondary route would deviate from the main route with a left from 40C to W Schultz Rd., heading west two miles, taking a right and heading north on S Schappsville Rd. until Hwy 30, and then taking a right on Hwy 30 and heading east until they would reach S 80<sup>th</sup> Rd. which leads to Heritage. There was also the suggestion for a map of how the materials will travel to go to a local landfill and there is no need for a map on where a shipment of non-hazardous materials might travel. The committee recognizes the characteristics of the materials (hazardous or non-hazardous as determined by analytical evaluation and NDEQ's evaluation of the materials) being transported will determine where they will be transported.

This recommendation was accepted.

### ***Economic Considerations***

It was recommended that committee comments reflect that the committee understands that there will be higher paying jobs in the Hall County Area from the proposed operation. It was also recommended that there should be a recognition in the financial assurance section that the financial responsibility appears sufficient to protect our local community from negative financial consequences.

### ***Other Factors***

The committee recognizes that Heritage plans to do certain non-required things to further enhance employee, environment, and public safety.

## **D. Questions and Answers**

***From the local permitting standpoint, from an enforcement perspective, how and how often do we expect that a conditional use permit be reviewed? What are the considerations?***

In order for NDEQ to issue a permit, Heritage will have to also comply with local, state, and federal requirements. If any requirement is not met, it is a reason that NDEQ can deny the issuance of a permit. Every five years Heritage will be required to renew their air operating and RCRA permits. Also any modifications to a permit, depending on what level of modification (RCRA Class I, II, or III) triggers different review processes. Greg Baxter recommends that any local conditional use permit be coordinated for review anytime the state reviews their permits.

***From a facility standpoint, what level of modifications bring a permit up for review?***

Facility modifications, based on the level of modification, is classified as either a RCRA Class I, II, or III modification.

RCRA Class I modification – They have to provide public notice

RCRA Class II modification– They have to provide public notice and have public information sessions

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Class III modification– The whole permit would basically be up and a new permit would be applied for and would be up for public comment.

### **VIII. Comments, Feedback, Next Steps and Adjourn**

#### **A. Member Comments**

Brad Kloss provided insight that there does not appear to be concern among the Alda community for the proposed operation at the Heritage facility since Heritage has been operational for so long in Alda.

Chairman John Turnbull and facilitator Mark DeKraai, UNPPC, encouraged that committee members review the next draft and provide any comments or issues directly to Quinn Lewandowski or Mark DeKraai of the UNPPC prior to the next meeting so issues can be resolved in advance.

#### **B. Meeting Feedback**

No additional meeting feedback was given.

#### **C. Summary of Next Steps**

##### **i. Remaining Meeting Schedule**

- Wednesday, October 12<sup>th</sup> at 6:00 PM, TBA

#### **D. Public Comments**

No comments were made or proposed.

#### **E. Adjourn**

John Turnbull adjourned the meeting at 6:06 PM CDT.