

# Hazardous Waste Site Review Committee Meeting

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**Organizational Meeting Minutes**  
**April 25<sup>th</sup>, 2016, 06:30 PM CST**  
6410 W Highway 30, Alda, NE 68810

## Opening Comments

- I. **Open Meeting 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)**
- II. **Roll Call of Appointed Hazardous Waste Site Review Committee**

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	X
Dan	Purdy	X
Jon	Rosenlund	X
Casey	Sherlock	X
Timothy	Smith	X
John	Turnbull	X

*Others in attendance: Jim Macy, Joe Francis, Mark DeKraai, Mark Vess, Dwight Miller, Tricia Scott, Brian McManus, Morgan Leibrandt, Tom O'Connor, Kara Valentine, Shelley Schneider, and Quinn Lewandowski.*

## **III. Welcome and Introductions**

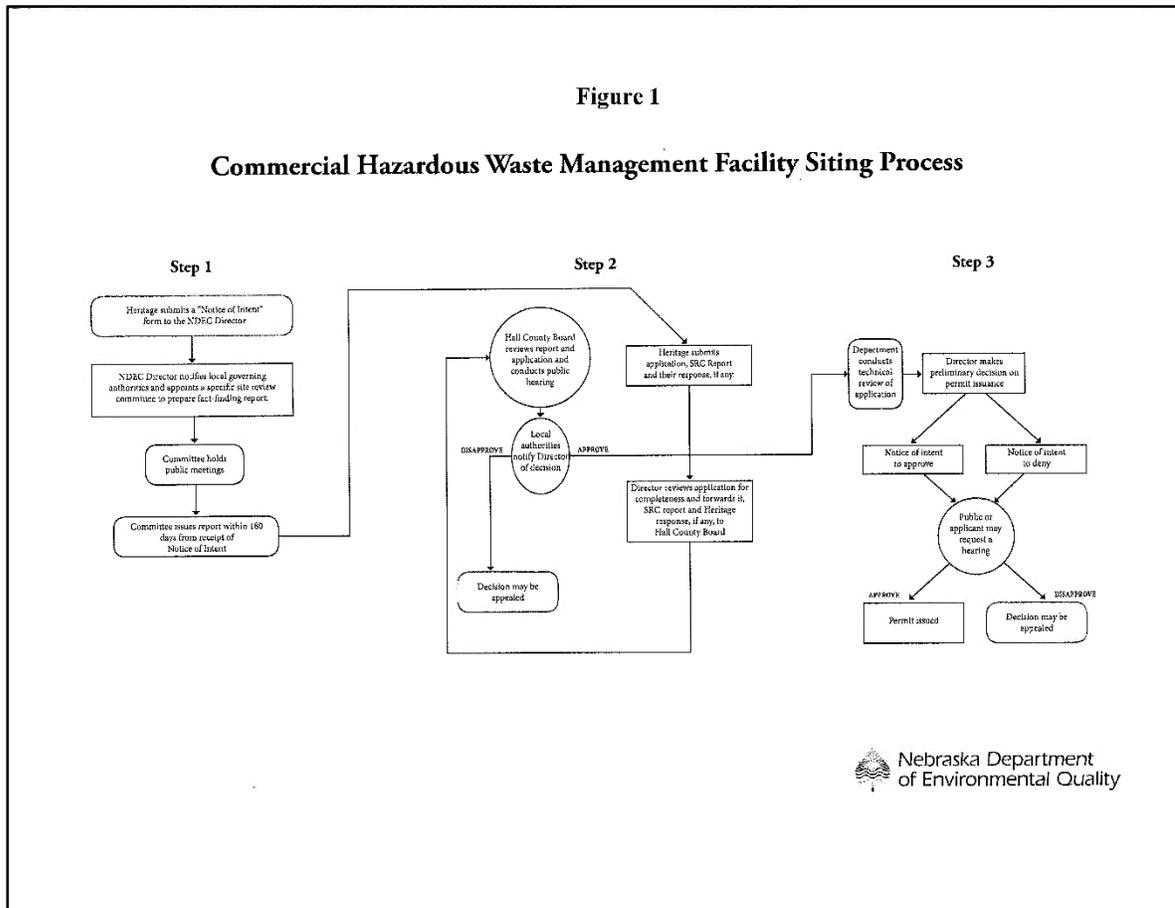
Joe Francis called the meeting to order at 06:32 PM Central Standard Time. All twelve appointed committee members were present.

The first meeting of the Site Review Committee for the proposed hazardous waste site facility proposed by Heritage Disposal & Storage LLC convened at 6:30 PM CST on Monday, April 25<sup>th</sup>, 2016 at the Alda Community Center in Alda, NE. Joe Francis of the Nebraska Department of Environmental Quality (NDEQ) welcomed the committee, the public, and Heritage and NDEQ representatives. All appointed committee members were present. Jim Macy, Director of the Nebraska Department of Environmental Quality and the committee's temporary chairperson, then provided an overview of the evening's meeting and its purpose, introduced the audience to the site review process, explained the role of the committee, and allowed each committee member to introduce themselves.

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## IV. Introduction to the Process and Role of the Committee

Morgan Leibrandt, NDEQ, led an introduction to the facility siting process and a summary of its legislative basis, Legislative Bill 114. Figure 1 illustrates the three step process that is required for the Commercial Hazardous Waste Management Facility Siting Process.



LB 114 was developed to provide early public involvement in the siting of commercial hazardous waste treatment, storage, and disposal facilities proposed after June 1988. Commercial facilities of this nature must be licensed by the NDEQ, and after the establishment of the LB 114 statute, the law requires that any prospective applicant for a commercial hazardous waste facility file a “Notice of Intent” (NOI) form to the NDEQ Director. The NDEQ Director then notifies local governing authorities and appoints a specific site review committee that will review and gather facts about the proposed facility within 15 days of receiving the NOI. The committee is appointed to submit a fact-finding report within 180 days of the NOI, and members are chosen by the NDEQ director and the proper local authorities. The applicant is also charged a filing fee which includes the costs associated with the committee. The committee consists of twelve appointed members. The NDEQ director appoints six individuals to represent the following interests: the environment, the medical community, public interest, industry, academia, and community planning. The other six members are appointed local members. Of those six members, one is appointed by the village of Alda, one is appointed by the city of Grand Island, and four members are appointed by the Chair of the Hall County Board. Once the committee is appointed, by Day 21 after the receipt of the NOI the committee will begin holding public meetings to consider the impact of the proposed facility. Within 180 days of the NOI the committee

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issues a fact-finding a report. The site review committee is to consider eight separate factors pursuant to statute when drafting their report including but not limited to:

1. *Economic considerations*
  - Is the facility needed? What will be the impact of the community? Does it make economic sense?
2. *The functioning and management of the facility*
  - What types of waste will be handled? What are the plans for future expansion?
3. *Technologies that will be used*
  - Is it reliable? How will the waste be handled?
4. *Site characteristics*
  - Why is this site chosen?
5. *Environmental implications*
  - What kind of site drainage will there be? What is the impact on groundwater? What kind of air emissions will there be?
6. *Transportation implications*
  - How much traffic will be generated? What happens if there is a spill?
7. *Emergency response*
  - How will emergencies be handled? What kind of security will there be? How are the employees trained?
8. *Enforcement and regulation*
  - Who will enforce the provisions from the existing statute and regulations? What type of monitoring plans will be needed? Do the regulators have the capability to enforce the regulations?

After the committee's fact-finding report is issued, the process enters Step Two where Heritage submits its application, the site review committee (SRC) report, and its response, if any. The director of NDEQ reviews Heritage's application for completeness and forwards it to the Hall County Board where they review the report and application and conduct a public hearing within 45 days of receipt. The Hall County Board then has 180 days after conducting a public hearing to make a decision to either approve or deny the application. The local authorities then notify the director of their decision to approve or deny the application. If the application is denied, the decision may be appealed by the applicant and be contested in district court. If the application is approved by the Hall County Board, the process moves onto Step Three. In Step Three, the NDEQ conducts a technical review of the application and from there the NDEQ director makes a preliminary decision on permit issuance. NDEQ will public notice the Director's intent to approve or deny the permit. Once the permit is approved or denied, from there a NOI is released. The public and the applicant are given 30 days to provide comments and request a hearing. If the director deems a hearing appropriate, they will hold a hearing and after the hearing the director will consider the written comments and comments made in the public hearing and make a decision to issue the permit or deny the permit.

### **A. Introduction to the Facilitator and Their Role**

Mr. Macy introduced the committee's facilitator, Mark DeKraai from the University of Nebraska Public Policy Center, in Lincoln, NE. As the committee facilitator, the Public Policy Center's role is to

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work to keep the committee on time and on task throughout the site review process, objectively moderate committee meetings, record meeting minutes, and assist the committee chair in putting together the draft report and agendas. The University of Nebraska Public Policy Center representatives are not considered members of the committee, and serve as a neutral facilitators that contribute only to the process of the meetings.

## **B. Review of Committee Notebooks**

Hard copies of the notebooks provided to all members of the Heritage Disposal and Storage Site Review Committee will be available for review at the Grand Island Public Library, 211 N. Washington St., the NDEQ Grand Island Field Office at 215 Kaufman Ave., Grand Island, and at the NDEQ office in Lincoln, 1200 N St. Materials will be updated periodically in the notebooks, and at this web site, <http://deq.ne.gov/NDEQProg.nsf/OnWeb/Heritage>.

The committee notebooks will be a “living” document with additions made as the siting process proceeds - e.g. minutes from meetings. The initial contents of the notebook include a welcome and a short explanation of the siting process by Jim Macy, Director, Nebraska Department of Environmental Quality (NDEQ). Additionally the final report of a previous Site Review Committee is included as an example of how the Site Review Committee conducted their activities. The current Site Review Committee, formed to address the Notice of Intent submitted by Heritage Disposal and Storage, may choose to operate in a totally different manner. The previous report was included only as an example. The Nebraska statutes applicable to the Heritage Disposal and Storage Notice of Intent follow the previous report.

## **C. Review of Previous Process**

The LB 114 statute that was passed in 1987 has only been once used since its inception on June 1988. In 1991, a NOI was received for a proposed hazardous waste storage facility by Van Waters & Rogers Inc. (VWR) in Omaha, NE. The site review committee completed and submitted their fact-finding report for the proposed waste storage facility; then VWR decided not to pursue the type of storage that they proposed. This process has never been used completely to fruition in the State of Nebraska. The previous committee’s report has been included in the notebook, but should only serve as an example on how the committee conducted business in 1991. Joe Francis recommend that all review the copy of LB 114, which is included in the notebook and packet of materials available online.

## **D. Questions and Answers Related to Committee Work**

There were no questions proposed related to the committee work.

## **V. Description of the Heritage Proposal**

### **A. Description of Site**

Morgan Leibrandt of NDEQ, provided a brief introduction to the Heritage Disposal & Storage LLC and its history.

### **B. Heritage Proposal - Mark Vess, President of Heritage Disposal & Storage LLC**

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a. *Heritage background and description*

Heritage Disposal & Storage LLC was founded in 2003 on 830 acres of the former Cornhusker Army Ammunition Plant near Alda, NE. Heritage is the largest civilian owned and operated explosive storage, disposal, and recycling center in the U.S. Heritage has developed a state of the art facility from building upon the existing structure and design that the former ammunition plant provided. Since 2004, Heritage has stored, destroyed, and recycled of approximately 2.86 million pounds of explosive material for federal law enforcement. Heritage is a high security facility with 24-hour armed guards. The facility is currently licensed and certified by the U.S. Bureau of Alcohol, Tobacco, and Explosives (ATF) and the State of Nebraska. As of 2016, 550 acres of the Heritage property consist of 117 Richmond style bunkers. Of the 117 bunkers, 60 have been licensed for storage of munitions.

b. *What is the reason for the U.S. Army Contract?*

The Department of Defense (DoD) currently has unserviceable stockpile of approximately 500,000 tons of explosive munitions from World War II, the Korean War, the Vietnam War, and the retirement of various munitions. The U.S. government has a limited capability to dispose of this stockpile, due to the age of their facilities or their facilities not meeting modern environmental standards. The Army has enlisted help from three large prime contractors to handle fifteen different work orders, and one small business contractor (Heritage Disposal & Storage LLC) to assist in disposing of the DoD munitions stockpile. Both the prime contractors and Heritage have been awarded five year contracts to handle the disposal of the munitions stockpile.

c. *Why is heritage an appropriate site?*

Heritage is licensed for storage of up to 16 million pounds of explosive materials. Heritage can expand that capacity in the future to up to 24 million pounds of explosive materials. Heritage is located on the site of the former Cornhusker Army Ammunition Plant where the land has been permanently deed restricted against residential impingement. Explosive safety has already been incorporated into the site. Heritage has put in place state of the art practices and procedures, and have a sterling safety and inspection record, and a proven regulatory and technical compliance record.

d. *What impact will this project have to the surrounding area?*

Heritage strives to be a neighbor friendly business, and take pride in the community as they live in Alda as well. Safety is paramount in the daily operations of Heritage. The proposed project will not affect any existing local activities such as Husker Harvest Days, the shooting park, the model airplane club, etc. Heritage prides themselves in their environmental stewardship, and already have policies and procedures in place to maximize recycling.

e. *What materials are to be stored, destroyed, or recycled?*

The primary materials that will be stored, destroyed, or recycled by this contract will be: Hexachloroethane (HC) Smoke Materials (most commonly found in smoke grenades), the various metal containers that the HC is contained it, the packing materials, and the various shipping and storage containers. The HC smoke materials are still containerized and are designed to burn, and

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are not designed to explode. Hypothetically, if a semi would catch fire carrying a truckload of HC containers, the most risk would be from a heavy smoke created by the HC. Although this class of munitions is fairly benign, Heritage has procedures and protocols in place to address all aspects of safely transporting, handling, and disposing of the munitions.

*f. How will they be delivered and stored?*

Materials will be delivered via U.S. Government contracted Truck or Rail Delivery. The Army will determine best and most economically feasible method to ship the materials to Heritage depending on where the materials are coming from. The materials will be stored on-site at Heritage until the Army determines a processing schedule for those materials. Materials Receipt Accountability and Safety programs will be administered in accordance with DoD Contractor Safety Program Requirements.

*g. How will they be destroyed?*

The materials will be destroyed by thermal treatment in a Draft Rotary Kiln with very extensive air filtering equipment. The process that they will be using is very proven and very predictable outcomes which helps provided enhanced safety. The processing of the materials is heavily engineered and heavily regulated.

*h. What emissions and other products will be created?*

A technical study will be done with the HC materials to measure the air emissions through the entire process to fine tune and design the equipment to perform at the level they want to be at. All air emissions will be treated for toxic compounds and particulates. Other emissions will be bottom ash (direct from thermal treatment), fly ash (from air pollution control equipment), and process water that is used to cool and control the air pollution control discharge.

*i. Where will everything go?*

Air is treated to meet or exceed Nebraska air quality standards and Heritage will go a step farther to anticipate future air quality standards and meet those as well. Recyclable metal will be removed from bottom ash, while the remainder of bottom ash evaluated for beneficial use or offsite landfiling depending on the constituents of that bottom ash. The fly ash will be evaluated for beneficial use, and the process water will be treated and evaporated in a settling pond to eliminate possibility of groundwater contamination.

*j. What monitoring will be conducted?*

Material for thermal treatment will be screened for compatibility, air monitoring will be carried out to ensure it meets emission limits (NDEQ would have real-time access to data), and analytical testing will be carried out on the bottom ash, fly ash, process water, and surface water.

*k. What is the potential economic benefit?*

The Heritage development project that will cost between \$15-20 million over a course of two years. There will be significant benefit to local utility companies, energy usage of the plant will be in excess of one million dollars each year. The two year development will require support from local hotels, restaurants, retail locations, etc. After the site is developed, Heritage will be a 24

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hour/7 days a week facility. The facility will generate approximately nine million dollars a year in gross revenue for the first three years of the army contract, the gross revenue should grow to approximately about fifteen million dollars in subsequent years. Heritage plans on reviewing the Army's list of its top 500 priorities with NDEQ to help engineer and design the facility to complement the possibility of storing, disposing, and recycling other materials to help provide significant longevity for the site. Upon completion of the Heritage development plans, approximately 60-70 professional jobs will be added to Heritage with 95% recruitment in Nebraska and the local area. Most of the developed jobs would fall into the \$17 – 25 hour range for salary, with higher possible wages for management and supervision.

*l. Is there possibility of future expansion?*

Heritage's selection as the small business contractor was not taken lightly by the U.S. government. Mark Vess feels there is a high probability of continued contracts, as the current contract requirements required vendors to buy-in to what the DoD is trying to accomplish and become a member of their team.

*m. Why?*

The process will focus on process safety and environmental compliance. The process ultimately confirms incinerator/air pollution control devices compliance. The process also involves hard to duplicate infrastructure that will allow Heritage to run a safe and environmentally friendly operation.

### C. Questions

***Does this approval apply only to the HC or does it include other chemicals? - Chad Nabity***

Heritage will be screening the top 500 list of items that the DoD is going to look at for disposal. Heritage will be reviewing the DoD's list with NDEQ staff, and if it is possible to add other items from the priority list to the licensing without complicating the licensing process Heritage will add the items to their licensing application. At a later time they may revisit the processing of other materials. – Mark Vess

***If there are any other chemicals that are brought on does the process start over? – Chad Nabity***

Jim Macy stated that the committee's primary task is to determine if the location is viable for a facility in the area, not all possible chemicals that could be destructed.

***Is this the first large scale disposal for HC by the military? Is this a new process? – Dan Purdy***

No, the military needed to explore environmentally compliant ways to dispose of the munitions. The military has used environmentally friendly ways to dispose of HC before. Large facilities often have the appropriate newer technologies that help dispose of these chemicals. – Mark Vess

***Would it be possible for the committee to get the copy of Mark Vess' presentation? –Chad Nabity***

Yes, technical difficulties led to not being able to have copies of the presentation available at the meeting and copies will be made available. – Mark Vess

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***Timeline for list of materials with the DEQ? – Tim Smith***

All of those things will be concurrent as Heritage moves along with their process. – Mark Vess

***Heritage is already dealing with disposing of munitions and explosives at the site. What's the difference between what you are doing now and what you plan on doing with HC? Is it more or less on what you're taking on now (in quantity)? - Jon Rosenlund***

More information on those specifics will be covered in future presentations by Heritage. – Mark Vess

***Will there be reportable quantities of SARA title two onsite? – Jon Rosenlund***

Appropriate entities will have that information. – Mark Vess

***Would it be possible to get some documentation and description of the HC chemical? - Teresa Anderson***

Yes, this will be covered in future presentations by Heritage. – Mark Vess

## **VI. Action Items**

### **A. Develop and Agree on Process**

#### **a. Chairperson Responsibilities**

The responsibilities of the chair include setting the agendas of the meeting, reviewing documents, reviewing meeting minutes before they go out to the members, reviewing report drafts.

#### **b. Process mapping**

##### ***i. What would make this process successful?***

Teresa Anderson stated that exploring each of the eight factors to consider pursuant to statute in a systematic fashion would help us stay organized. And keeping focused on what we actually need to know in relation to each of the eight factors to consider to help avoid being bogged down by too many details. Karen Bredthauer suggested that continuing to hold meetings in Alda at the Community Center would be both convenient and centrally located for most of the members and general public. Casey Sherlock suggested that the meetings rotate to some of the surrounding local communities that may see the project impacting them (Wood River, Grand Island, etc.). Greg Baxter suggested that we take a cut to the chase approach and make examining the project's impact on the environment a priority as that is what is most important in the long run. Most of the member's agreed that it is important for the committee to see what Heritage is doing today, and if it isn't a security concern, the committee would like to take a tour or even a virtual tour of the site to be more familiar with the site. Chad Nabity and John Turnbull stressed the importance that the committee only had 180 days to complete this process and submit a report, so it is important that the committee stays at a high level of productivity while being realistic and considerate to each member's time.

##### ***ii. When will the next meeting be?***

It was proposed that the next meeting date be determined via an electronic scheduling poll distributed by the Public Policy Center to the committee members. The location of the next

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meeting would be determined after a meeting date is agreed upon. Members proposed that hosting future meetings in Alda, Grand Island, and possibly other local communities be considered.

iii. *What will the next meeting's focus be?*

Jon Rosenlund and Chad Naby recommended that the second factor (the functioning and management of the facility) on the list of factors the site review committee to consider be the starting point for the committee. Jon Rosenlund recommended that committee focus first on understanding the process and chemical to help expand the committee's knowledge. The committee also proposed that knowledge of what can be done in terms of a site visit be examined and discussed at the next meeting. John Turnbull proposed that the committee have more background information on the considerations before the committee considers going on a site tour or virtual tour.

iv. *How should we conduct business?*

The committee proposed to have at least seven out of twelve committee members attend a meeting in order to constitute a quorum. It was also proposed that quorum has to be met for voting to be initiated, and a committee member must be present to vote. A majority vote of those present would be needed in order for a vote to pass. The motion to approve the proposed ground rules carries via unanimous acclamation vote. It was proposed that any decision making and organizational specifics not determined by this organizational meeting be discussed next meeting.

v. *How will we communicate?*

Emails and reminders with draft agendas and documents will be distributed to committee members before meetings. All committee members will have opportunity to comment on drafts. Will have opportunity to comment on draft agenda

## **B. Election of a Chair**

John Turnbull proposed to serve as chair if a vice chair was also elected. Chad Naby proposed to serve as vice-chair under John Turnbull. Both committee members ran unopposed. John Turnbull was confirmed as Chair of the committee and Chad Naby as Vice-Chair of the committee. The committee discussed the understanding that if the chair or vice-chair cannot make a meeting they will appoint someone to serve in their capacity in their absence.

## **VII. Next Steps and Adjourn**

### **A. Member Comments**

No member comments were made.

### **B. Meeting Feedback**

A meeting evaluation survey was distributed to the committee members to help collect feedback on the committee member's opinions to better improve future meetings.

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

- a. A Doodle Scheduling Poll will be sent out to committee members to help schedule the next meeting in May.
- b. The location for the next meeting will be determined after the meeting is scheduled.
- c. Committee member will bring ideas or proposals for committee and meeting ground rules to the next meeting
- d. Draft agendas and meeting minutes will be distributed in advance to committee members for comment.
- e. Information will be collected on the legal specifics of the committee doing a site visit to Heritage.

### **D. Public Comments**

No public comments were made or proposed.

### **E. Adjourn**

John Turnbull adjourned the meeting at 09:15 PM CST.