

**Policies & Procurement Committee**  
**April 11, 2013**  
**Regular Meeting Draft Minutes**

Members Present: John Adams (present by telephone)  
Vice-Chairman Richard Barlow (present by telephone)

CRRA Staff Present: Tom Kirk, President  
Dave Bodendorf,  
Peter Egan, Director of Environmental Affairs  
Tom Gaffey, Director of Recycling  
Roger Guzowski, Contracts and Procurement Manager  
Laurie Hunt, Director of Legal Services  
Richard Quelle, Senior Engineer  
Chris Shepard, Senior Environmental Engineer  
Maira Benacquista, HR Specialist/Board Administrator

Others present: John Pizzimenti, USA Hauling.

Director Adams called the meeting to order at 11:00 a.m. and noted that a quorum was present.

Director Adams noted there were no members of the public present which cared to speak during public comment, and said the regular meeting would commence.

1. **APPROVAL OF MINUTES OF THE MARCH 13, 2013, POLICIES & PROCUREMENT COMMITTEE MEETING**

Director Adams requested a motion to accept the minutes of the March 13, 2013, Policies & Procurement Committee meeting. The motion to approve the minutes was made by Vice-Chairman Barlow and seconded by Director Adams.

The motion to approve the minutes was approved by roll call. Director Adams abstained.

2. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING AN RFS WITH HRP FOR CONSULTING WORK ASSOCIATED WITH THE SOUTH MEADOWS REMEDIATION PROJECT**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President of CRRA be authorized to execute a Request for Services with HRP Associates, Inc. for environmental consulting services in support of the South Meadows Station site remediation, substantially as presented and discussed at this meeting.

Mr. Egan said this resolution will add money to a request for service which is already in place. He said the request for service is put in place every year with HRP, an environmental consulting firm which supports CRRA by providing oversight on the remediation activity which has been conducted for the last decade by TRC, the certifying party under the Connecticut Transfer Act. Mr. Egan said there has been a lot of activity in the last several months which is why management is increasing the RFS amount.

Mr. Shepard said for the current fiscal year CRRA has entered into an RFS for a value of \$35,000, based on the expenses over the last four to five years. He said TRC has completed much of the remediation work over the last several months in a push to get remediation action reports completed. Mr. Shepard said twelve reports were completed in this fiscal year at twelve different sites. He said management asks HRP to review the reports as they have licensed environmental professionals on staff which are well versed in environmental remediation standards. Mr. Shepard said HRP identifies questions or concerns which CRRA may have before the reports are finalized by TRC and submitted to the CT DEEP. He said it is TRC's intention to get this outside remediation work done this fiscal year. Mr. Shepard said as a result the largest payment to HRP will likely be made in the next two years. He said there is some additional work which will be done over the course of the next two years; however TRC estimates that they are about 95% of the way complete at this point.

Director Adams asked for an example of recommendations made by HRP. Mr. Shepard said TRC has done significant investigations as well as remediation action. He said there are certain boundaries where TRC has come up against wetland areas which are going to be addressed later. He said HRP has pointed out that these boundary conditions cannot be forgotten; he said TRC has also done applications for engineered controls which HRP looked at to ensure any human exposures are being properly controlled. Mr. Shepard said TRC has also done an application requesting the use of alternative groundwater clean-up standards for the site based on the dilution that the Connecticut River receiving water body offers. He said HRP offered comments through the review, including questioning the interpretation of TRC's groundwater flow contours; primarily on the Western portion of the site. Mr. Shepard said ultimately he believes that the final package was better because HRP reviewed it.

Vice-Chairman Barlow asked how much money is currently in the account that this is being paid out of. Mr. Egan said he believes there is about \$88,000 with another roughly \$190,000 in an additional account dedicated to South Meadows remediation. He said the accounts are for paying for HRP and outside legal counsel. He said the total amount set aside is around \$250,000 - \$260,000.

Vice-Chairman Barlow asked why CRRA staff can't provide this function. Mr. Egan explained CRRA does not have adequate staff to provide the required time necessary to review these reports. He said in addition CRRA does not have a licensed environmental professional on staff with the expertise needed to review, understand and comment on the remedial action plan and accompanying issues. Mr. Egan said HRP is serving as eyes and ears to protect CRRA as this site is remediated. He said as land use restrictions are developed management wants to be sure they are not going to impact potential future options for development of the site, provided that the contract provides that flexibility. Vice-Chairman Barlow said he would recommend submitting the resolution to the full Board for recommendation.

Director Adams asked what other expenditures the \$250,000 is expected to cover. Mr. Egan said CRRA's outside legal counsel; Doug Pelham, Esq. of Cohn Birnbaum. Director Adams asked who the leading principal at HRP most involved in this process is. Mr. Shepard replied Steve Brown.

The motion previously made and seconded was approved unanimously by roll call.

3. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING AN INTERCONNECTION AGREEMENT WITH CONNECTICUT LIGHT & POWER**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**WHEREAS**, the Authority is responsible for the expenditures associated with the closure of the MSW and Ash Residue areas and thirty years of post-closure monitoring and maintenance of the Hartford Landfill; and

**WHEREAS**, at its August 31, 2003 meeting, the Authority's Board of Directors established the Hartford Landfill Closure Reserve to fund all expenses associated with the landfill's closure activities; and

**WHEREAS**, on December 28, 2011, Connecticut DEEP approved alternative final capping systems for the Hartford Landfill that incorporate Solar Photovoltaic electricity production; and

**WHEREAS**, at its May 31, 2012 meeting, the Authority's Board of Directors approved the President to enter into the Standard Contract associated with the Connecticut Light and Power ("CL&P") RFP for the purchase and sale of Connecticut Class 1 Renewable Energy Credits from CRRRA's proposed 1 Megawatt Solar Electricity Generation Facility ("EGF") at the Hartford Landfill; and

**WHEREAS**, at its September 27, 2012 meeting, the Authority's Board of Directors approved the use of the Hartford Landfill Closure Reserve to post a financial guaranty for the construction of the Solar EGF at the Hartford Landfill in the amount of \$34,166, refundable upon completion of the Project; and

**WHEREAS**, the Authority has submitted an Interconnection Application to CL&P for the connection of the proposed Hartford Landfill Solar EGF to CL&P's Electrical Power System, which Application was approved by CL&P; and

**WHEREAS**, to interconnect its proposed Solar EGF at the Hartford Landfill, the Authority must enter into the Standard Fast Track and Study Process Interconnection Agreement (the "Agreement") with CL&P; and

**WHEREAS**, the Agreement requires the Authority to pay certain costs associated with the interconnection of its Solar EGF, which costs are currently estimated to be \$12,000 by CL&P; and

**WHEREAS**: the Hartford Landfill Closure Reserve has sufficient funds for these activities.

**NOW, THEREFORE, BE IT:**

**RESOLVED:** That the Board of Directors authorizes the President to enter into the Standard Fast Track and Study Process Interconnection Agreement with CL&P.

**FURTHER RESOLVED:** that the Board of Directors approves the use of the Hartford Landfill Closure Reserve to pay \$12,000 in expenses associated with the Standard Fast Track and Study Process Interconnection Agreement.

Mr. Egan said this resolution requires Board approval as it is an agreement which is for longer than five years. Mr. Bodendorf said while planning for the closure of the Hartford Landfill in 2011, after investigating several different technologies, management approached the CT DEEP with a proposal to install an alternative membrane technology and solar array which the CT DEEP provided approval for in 2011. He said in 2012 CRRA bid into the ZREC program and was awarded a contract with CL&P in the first round of bidding. Mr. Bodendorf said management has submitted a proposal and received approval for an interconnection application with CL&P. He said this proposal seeks to provide Mr. Kirk with permission to sign that interconnection agreement so when CRRA does build the facility the agreement is already in place.

Vice-Chairman Barlow asked where the future revenues from this facility are going. Mr. Kirk replied that they will go into the landfill post-closure reserve per the direction of the Board, the portion which would be shared with the City of Hartford is yet to be determined. Mr. Egan said assuming that CRRA is involved with the landfill operationally in future years each year the revenues would be shown in the landfill division budget which would draw its' funding from the post-closure reserve but would appear in the landfill division budget.

Director Adams asked if there is a plan if the State of Connecticut assumes responsibility for the landfill. He asked if presumably the funds would be shared between the State of Connecticut and the City of Hartford. Mr. Egan replied that is still undetermined. Director Adams asked if he was correct that the expected revenues are \$125,000 a year. Mr. Bodendorf said the revenues which would be received are from a fifteen year ZREC contract in which CRRA is awarded \$110 a megawatt hour. He said management expects to generate 1,500 megawatts a year for around \$165,000. Mr. Bodendorf said on top of that would be the sale of electricity which right now is expected to be sold to the CL&P wholesale under an existing tariff. He said if legislation changes and CRRA is able to virtual net meter that to another CRRA facility or to another municipal entity that revenue may change.

The motion previously made and seconded was approved unanimously by roll call.

4. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING AUTHORIZING TERMINATION OF THE CRRA-SWEROG AGREEMENT EFFECTIVE JUNE 30, 2013**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the Board of Directors hereby authorizes the President to terminate the Agreement with the Southwest Connecticut Regional Recycling Operating Committee (SWEROG) for Transfer Station Operation, Transport Services and Disposal of Acceptable Recyclable Materials effective July 1, 2013, substantially as presented and discussed at this meeting.

Vice-Chairman Barlow asked if the Committee should be waiving the 180 days' notice period required in the agreement. Ms. Hunt said the Committee would be doing that by approving the termination agreement; however it could also be added to the resolution as well. Vice-Chairman Barlow said he would prefer to see that added to the resolution.

5. **AMENDMENT TO RESOLUTION REGARDING AUTHORIZING TERMINATION OF THE CRRA-SWEROG AGREEMENT EFFECTIVE JUNE 30, 2013**

Vice-Chairman Barlow made a motion to amend the resolution to authorize the President to terminate the agreement with SWEROC operations as presented and discussed in the meeting and in addition waive the 180 notice period for termination as required in the original agreement. Director Adams seconded the motion.

Mr. Kirk said over the past few years CRRA has reduced the scope of its involvement with the Recycling Operating Committee for the Southwest Towns (hereinafter referred to as "SWEROC"). He said a number of changes have culminated in the SWEROC groups' decision to pursue a recycling agreement with a new facilitator operator in Shelton. Mr. Kirk said as a result SWEROC no longer needs CRRA's transfer of single stream recycling up to Hartford for processing at the Hartford location. He said this agreement allows SWEROC to end the agreement and partnership with CRRA despite the required 180 days' notice. Mr. Kirk said that notice was not provided as a number of towns had difficulty getting approval through their respective municipal legislative bodies and have asked CRRA to accommodate their withdrawal. He said management has no issue with this, and anticipated this step as CRRA has been working closely with the SWEROC towns for the last few months.

Vice-Chairman Barlow asked if this will result in a revenue loss for the CSWS system. Mr. Kirk replied yes. He said the tonnage will no longer be available as of June and this resolution will end the agreement which was the vehicle for those tons. Vice-Chairman Barlow asked if the minimum required tonnage for that facility is being met. Mr. Kirk replied that it was currently being met, however management does not anticipate meeting it in the future with the loss of these tons and Waterbury in June, at which point CRRA will be about 30,000 tons short of the 70,000 ton minimum recycling throughput at the facility.

Vice-Chairman Barlow asked if there are any possible contributions to assist with that loss. Mr. Kirk said there are several options available to the Board. He said the Board authorized the President to complete the payments for the machinery retrofit, about a \$2.9 million payment to allow CRRA to end the contract early with the present operator, ReCommunity, which would eliminate any penalties for under delivering minimum tonnages. Mr. Kirk said whether or not that occurs depends on some negotiations and potentially an RFP for a different operator at the facility. He said there is no source of additional tonnage that CRRA can force into the facility to meet the 70,000 tonnage threshold and as a result management authorized termination of that contract to avoid a minimum commitment knowing at the time SWEROC and Waterbury would be lost.

Vice-Chairman Barlow asked if management is still trying to work out alternative resolutions in terms of delivery and tonnage with ReCommunity Mr. Kirk replied yes. He said there is one possible interested party with 20,000 tons. Mr. Kirk said the plan at this point is not to make the shortfall payments with ReCommunity as they total \$2 million a year. He said ending the contract requires paying the last of the hardware payment at \$3 million.

Vice-Chairman Barlow asked if this Committee does not recommend this resolution what happens as he is not comfortable approving this resolution. Mr. Kirk said the resolution can still proceed directly to the Board without the Committee's approval.

Director Adams asked if he was correct in stating that CRRA's agreement with City Carting has a 60 day notice. Mr. Kirk replied yes. Director Adams asked if management had planned on allowing SWEROC to seek alternatives for its recycling. Mr. Kirk replied yes. He said SWEROC decided to look for the best deal for its recyclables years ago at the conclusion of the FCR dual stream agreement. Mr. Kirk said the SWEROC group had always anticipated going out to RFP for its recyclables without incurring a penalty from CRRA.

Director Adams asked if CRRA exercised its provision if SWEROC would be required to bring its recyclables for another four months. Mr. Gaffey said under this agreement SWEROC would be obligated to bring its recyclables to CRRA for another year. Vice-Chairman Barlow asked if SWEROC has the option to leave the agreement every 180 days or if it is an annual issue. Mr. Kirk said the agreement had been amended several times to allow towns to exit the agreement. Mr. Gaffey said he believes SWEROC has the option to leave every fiscal year with 180 days' notice because CRRA has to have the time to give City Carting notice that CRRA will terminate under the commencement of the succeeding fiscal year. Mr. Kirk said he would verify the details for the Board meeting.

Director Adams asked if Waterbury's tons are also lost what CRRA's payment provision will be. Mr. Kirk said not meeting the 70,000 tons minimum is about a \$2 million per year shortfall payment. He said 40,000 is the expected tonnage. Mr. Guzowski said the shortfall payment is about \$100 a ton at last calculation. Vice-Chairman Barlow asked how much money SWEROC's exiting this agreement increase its' revenue. Mr. Kirk said it was about \$20.00 per ton difference although transportation costs will also be required.

The motion previously made and seconded failed. Director Adams voted yes, Vice-Chairman Barlow voted no. He suggested that this resolution go to the full Board for consideration without the endorsement of the Committee.

6. **MOTION TO ADD AN ITEM TO THE AGENDA CONCERNING TERMINATION OF THE CRRA-SWEROC AGREEMENT EFFECTIVE JUNE 30, 2013**

Director Adams requested a motion to add an item to the agenda concerning forwarding this resolution as amended to the full Board for consideration without the approval of the Policies & Procurement committee. Vice-Chairman Barlow made the motion which was seconded by Director Adams.

The motion to add an item to the agenda was approved.

7. **FINAL VOTE TO FORWARD THE RESOLUTION REGARDING AUTHORIZING TERMINATION OF THE CRRA-SWEROC AGREEMENT EFFECTIVE JUNE 30, 2013 AS AMENDED TO THE BOARD WITHOUT COMMITTEE ENDORSEMENT**

Vice-Chairman Barlow made a motion to send this item to the full Board for consideration without the approval of the Policies & Procurement Committee and with the addition of the amendment which stipulates the 180 days' notice requirement will be waived. Director Adams seconded the motion.

The motion as amended was approved by roll call.

8. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING DELIVERY OF COVER SOILS TO THE HARTFORD LANDFILL**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President is hereby authorized to enter into an agreement with Environmental Partners, LLC for delivery of soil to be used as contouring and cover material at the Hartford Landfill, and as approved by the Connecticut Department of Energy & Environmental Protection, substantially as discussed and presented at this meeting.

**FURTHER RESOLVED:** That the revenue received from the agreement will be deposited into the Hartford Landfill Closure reserve.

Mr. Kirk said this is one of four soil delivery contracts for approval on the agenda. He said the different prices on each contract are market based on the availability of other disposal options for the industry. Mr. Kirk said management appreciates the revenue for the project which results in more solar power.

Mr. Bodendorf said the deliveries fortify the closure reserve and money not spent on closure goes into the post-closure reserve. Mr. Kirk said the landfill will close at the end of the summer.

Director Adams asked if the pricing has been re-evaluated as the landfill closure is approaching. Mr. Bodendorf said there are about two months left to bring soil in and currently there is a deficit of soil at the landfill. He said every ton brought in without cost to CRRA is less landfill closure costs. Mr. Bodendorf said last year the information on costs for soil delivery indicated a market price of about \$20 a ton. He said with such little time left the priority is to get in as much soil as possible and \$20.00 a ton is fair. He said it is difficult to establish a price as there are alternatives for the soil. Vice-Chairman Barlow said he shared Director Adams concern that CRRA might be able to make more money on these deliveries but understands the need for soil as closure approaches.

The motion previously made and seconded was approved unanimously by roll call.

9. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING DELIVERY OF COVER SOILS TO THE HARTFORD LANDFILL**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President is hereby authorized to enter into an agreement with CT Tank Removal, Inc. for delivery of soil to be used as contouring and cover material at the

Hartford Landfill, and as approved by the Connecticut Department of Energy & Environmental Protection, substantially as discussed and presented at this meeting.

**FURTHER RESOLVED:** That the revenue received from this agreement will be deposited into the Hartford Landfill Closure Reserve.

The motion previously made and seconded was approved unanimously by roll call.

10. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING DELIVERY OF COVER SOILS TO THE HARTFORD LANDFILL**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President is hereby authorized to enter into an agreement with Manafort Brothers, Inc. for delivery of soil to be used as contouring and cover material at the Hartford Landfill, and as approved by the Connecticut Department of Energy & Environmental Protection, substantially as discussed and presented at this meeting.

**FURTHER RESOLVED:** That the revenue received from this agreement will be deposited into the Hartford Landfill Closure Reserve.

Director Adams asked if this soil was being received at \$15.00 a ton. Mr. Bodendorf replied yes. He said this is a contract which CRRA originally signed back in 2010 when \$15.00 a ton was a good price. Mr. Bodendorf said CRRA is continuing to bring in soil as negotiations may take several months and there is a need for that soil.

The motion previously made and seconded was approved unanimously by roll call.

11. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING DELIVERY OF COVER SOILS TO THE HARTFORD LANDFILL**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President is hereby authorized to enter into an agreement with Empire Paving, Inc. for delivery of soil to be used as contouring and cover material at the Hartford Landfill, and as approved by the Connecticut Department of Energy & Environmental Protection, substantially as discussed and presented at this meeting.

**FURTHER RESOLVED:** That the revenue received from this agreement will be deposited into the Hartford Landfill Closure Reserve.

The motion previously made and seconded was approved unanimously by roll call.

12. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING RATIFICATION OF EMERGENCY PROCUREMENT CONTRACT**



Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the CRRA Board of Directors ratifies the Emergency Procurement as substantially presented and discussed at this meeting.

Mr. Kirk said the boiler three pump is a key capital equipment piece in the plant. He said as an engineer it makes him very uncomfortable not to have a back-up available for this piece at all times. Mr. Quelle said this is the high pressure pump which pushes the condensed water out of the steam turbine back up into the boiler. He said CRRA is currently down to one pump and if that pump goes CRRA is out of business on one turbine.

Vice-Chairman Barlow asked how much money remains in that reserve. Mr. Egan replied that right now there is approximately \$2 million and this repair will reduce that number to about \$1.8 million. Vice-Chairman Barlow asked why the memo is signed. Mr. Kirk explained in the case of an emergency he approves it on an emergency basis and then brings it to the Board for acknowledgement to allow the procurement to go forward immediately. Director Adams asked if this is part of historical issues which are part of the contractor not providing proper maintenance. Mr. Quelle replied yes. He said he would term this a legacy issue.

The motion previously made and seconded was approved.

13. **DISCUSSION – STATUS OF THE FOLLOWING PROCUREMENTS: 3 YEAR ENGINEERING SERVICES AGREEMENTS; 3 YEAR ENVIRONMENTAL MONITORING AGREEMENTS; CLOSURE CONSTRUCTION CONTRACT FOR HARTFORD LANDFILL; AGREEMENTS FOR O&M OF LANDFILL GAS SYSTEMS ; HAULER AGREEMENTS AND USDA BIRD CONTROL CONTRACT**

Mr. Egan said management wanted to alert the Committee to several significant procurements and solicitations that CRRA which will be brought for approval in May. He said of particular importance is the closure construction contract for \$8-\$10 million.

Mr. Egan said every three years management goes out to the street to solicit for engineering consulting services, environmental engineering, resources recovery engineering, recycling consulting, and solid waste consulting. He said CRRA's enabling legislation requires that CRRA does that by statute. Mr. Egan said CRRA put a request for qualifications on the street on February and the bids are back and currently being reviewed. He said management will bring a recommendation for a stable of consultants to the Board in May and noted that these contracts will not be for a dollar value as actual requests for services will put a cost in place after negotiating a scope of work and price. Mr. Egan said what is in the contract are billing rates, material rates, and T&M rates against which CRRA is billed for the next few years.

Mr. Egan said the second issue is the three year environmental monitoring agreements which are put in place to conduct various activities at four of the five landfills. He said this is done every three years and the activities include monitoring ground water wells for chemical characteristics for elevation, monitoring storm water, and a variety of activities that flow from permits that govern the site. Mr. Egan said firm fixed pricing is received in the request for proposals at which point management will recommend contractors to the Committee in May. He said there are questions

concerning whether CRRA will be monitoring the landfill in the future and in either event, all of the contracts have termination for convenience clauses.

Mr. Bodendorf said in March CRRA advertised a request for proposals to close the final phase of the Hartford Landfill, which is about 35 acres. He said the plans and specifications call for one of two innovative capping systems, both of which are exposed membrane technologies approved by the CT DEEP which allow for CRRA to spend money on the solar project as opposed to bringing soil in. Mr. Bodendorf said management felt that capping the landfill with virgin soil was an arduous task and pursued the innovative closure RFP as an alternative. He said proposals will open on April 23, 2013. He said there is a pretty tight specification and management does not expect many negotiations and will be approaching the Board for approval in May.

Mr. Egan said there are active gas collection control systems at the Ellington and Shelton landfill which are managed by an operations and maintenance contractor. He said the contract is over in June and management is soliciting an operator for both services this month. Mr. Egan said there are several hauler agreements which expire this month for which management will also be seeking new contracts.

Mr. Egan said the U.S. Government will be contracted for vector control and eradication at the waste processing facility after presentation of a resolution to the Committee.

### **INFORMATIONAL SECTION**

Vice-Chairman Barlow asked under the Report for Exception to the Competitive Process if the sources of payment could be added.

Vice-Chairman Barlow asked where the Human Resources Training Registration Course \$2,000 is being held. Mr. Kirk replied that it is a long term online class.

### **ADJOURNMENT**

Director Adams requested a motion to adjourn the meeting. The motion made by Vice-Chairman Barlow and seconded by Director Adams was approved unanimously by roll call.

The meeting was adjourned at 12:05 p.m.

Respectfully submitted,

Moira Kenney  
HR Specialist/Board Administrator