

SUMMARY INDEX  
SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
July 18, 2013

SEE CLERK RECORDED 09/23/2013

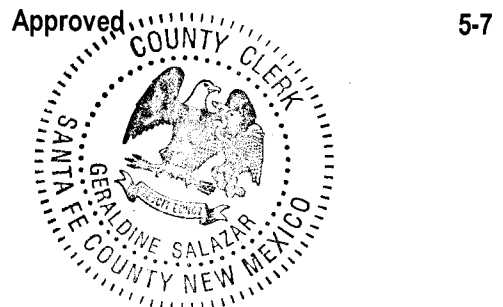
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COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 23RD Day Of September, 2013 at 04:06:48 PM And Was Duly Recorded as Instrument # 1718791 Of The Records Of Santa Fe County

Deputy Marcello Salazar Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM



<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08/22/08 BY 60322/UCB/STP

**SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
Legal Conference Room  
Santa Fe County Courthouse  
July 18, 2013**

**I. CALL TO ORDER**

A meeting of the City and County of Santa Fe Solid Waste Management Agency Joint Powers Board (SWMA) was called to order by Councilor Peter N. Ives, Chair, on Thursday, July 18, 2013, at approximately 12:00 noon, in the Legal Conference Room Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico.

**II. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Peter N. Ives, Chair  
Councilor Bill Dimas  
Commissioner Daniel Mayfield – telephonically  
Councilor Christopher M. Rivera

**MEMBERS EXCUSED:**

Commissioner Miguel Chavez, Vice-Chair  
Commissioner Kathy Holian

**STAFF PRESENT:**

Randall Kippenbrock, Executive Director – SWMA  
Angelica Salazar, SWMA  
Justin Miller, Legal Counsel  
Elizabeth Martin [for Melessia Helberg, Stenographer]

At the time the meeting was called to order, there was not a quorum of the membership in attendance. Chair Ives moved to Item VI(C), for presentation purposes only. Commissioner Mayfield joined the meeting telephonically toward the end of the presentation, and there was a quorum of the membership in attendance for conducting official business. Following the establishment of a quorum, and the completion of Item VI(C), Chair Ives returned to the regular agenda.

2013/07/18/12:00 PM  
SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
LEGAL CONFERENCE ROOM  
SANTA FE COUNTY COURTHOUSE  
SANTA FE, NEW MEXICO

VI. MATTERS FROM THE EXECUTIVE DIRECTOR

(C) UPDATE ON THE PERMIT APPLICATION FOR THE CAJA DEL RIO LANDFILL PERMIT RENEWAL AND MODIFICATION.

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 15, 2013, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "3."

A copy of a *Table*, indicating the items involved in the permit application and the percentage of completion of that it, distributed by Kelly Collins, CDM Smith, is incorporated herewith to these minutes as Exhibit "4."

Mr. Kippenbrock spoke briefly about the permit application then called on Kelly Collins and Greg Larson of CDM Smith to give the update.

Kelly Collins presented information from Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

Ms. Collins handed out a table from the permit application that lists everything that is due for completion and how far along they are in completing that item. Ms. Collins reviewed the table. Please see Exhibit "4" for specifics of this presentation.

Ms. Collins pointed out that the notice of filing shows 0% complete. That is because it 0% complete until the filing is done. On the 3<sup>rd</sup> item up from the bottom, the dashes are disclosure forms to be done by Mr. Kippenbrock. She said those are submitted separately because they are not public information. The few that show 70% complete have to do with special waste. She said they are awaiting decisions from this body about which special wastes this body wants to include in the application.

*The Board commented and asked questions as follows:*

- Chair Ives asked, regarding the 50 to 60 years reassessment of landfill life, when we hit being full is that based on a steady flow in.

Mr. Larson said it is based on tonnage. He said the 60 years is based on the current rate with a 1% annual increase.

- Chair Ives said then if we were able to increase recycling and other activities it still would take that volume, so we would talk about a longer life.

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SANTA FE COUNTY  
CLERK OF COUNTY BOARD

Ms. Collins said yes.

- Chair Ives thanked Mr. Kippenbrock and staff for their hard work.

*Commissioner Mayfield joined the meeting telephonically*

Chair Ives advised Commissioner Mayfield that we have covered item VI(C), and he will now return to the regular agenda, beginning with Item III.

### III. APPROVAL OF THE AMENDED AGENDA

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the Amended Agenda as presented.

**VOTE:** The motion was approved unanimously on a voice vote.

### IV. APPROVAL OF THE MINUTES FOR REGULAR MEETING – JUNE 27, 2013

**MOTION:** Councilor Dimas moved, seconded by Councilor Dimas, to approve the minutes of the regular meeting of June 27, 2013, as presented.

**VOTE:** The motion was approved unanimously on a voice vote.

### V. MATTERS FROM THE PUBLIC

There were no matters from the public.

### VI. MATTERS FROM THE EXECUTIVE DIRECTOR

(A) REQUEST FOR APPROVAL TO AWARD BID NO. 13/38/B TO THE LOW BIDDER, MCT INDUSTRIES, INC., OF ALBUQUERQUE, NM, FOR A HALF ROUND END DUMP TRAILER – QUARTER FRAME IN THE AMOUNT OF \$40,575.00

(1) APPROVAL OF BUDGET INCREASE FROM 5502.100700 (EQUIPMENT REPLACEMENT RESERVE) TO 525004.570500 (EQUIPMENT AND MACHINERY) IN THE AMOUNT OF \$40,575.00.

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Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 15, 2013, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

Councilor Rivera asked the reason only one bid was received – do we know why other companies did not bid and if there are other companies who would have met the specifications of the bid.

Mr. Kippenbrock said the call for bids was published for a month before it was closed. He said he does not know if there are other companies who could meet the specifics of the bid. He said the specifications were general but were specific in terms of need.

Councilor Rivera said he believes we should reach out to others to see why they did not bid. He suggested perhaps we can do something different in the future to get more bids and a better price.

Mr. Kippenbrock said he would contact look into the process for future bids.

Councilor Dimas asked if the trailer in the bid is a special trailer.

Mr. Kippenbrock said it is a standard rock trailer but the axle stays on ground to make it more safe, noting it is round and sealed.

Councilor Dimas asked if that description indicates that it is specialized.

Mr. Kippenbrock said no, it is fairly common.

**MOTION:** Councilor Dimas moved, seconded by Councilor Rivera, to approve the Bid Award No. 13/38/B, to MCT Industries, Inc., of Albuquerque, New Mexico, for a half round end dump trailer – quarter frame, in the amount of \$40,575.00, as presented by staff.

**FRIENDLY AMENDMENT:** Chair Ives asked that the motion be amended to include direction to staff that when we have fairly standardized bids for equipment, they make sure everyone sees the opportunity to bid and that the bid is widely known. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

**VOTE:** The motion, as amended, was approved unanimously on a voice vote.

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the budget increase from 5502.100700 (Equipment Replacement Reserve) to 52504.570500 (Equipment and Machinery) in the amount of \$40,575.00, as presented by staff.

**VOTE:** The motion was approved unanimously on a voice vote.

**(B) DISCUSSION WITH POSSIBLE ACTION REGARDING THE SUPPORT OF THE CITY OF SANTA FE'S SINGLE-USE CARRYOUT BAGS ORDINANCE.**

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 15, 2013, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

Mr. Kippenbrock asked if the Board would like to support this. He said this policy would help his agency by having fewer plastic bags blowing around the landfill.

Chair Ives said Councilor Rivera is one of the original sponsors of this bill. He said the bill was approved in other committees. He appreciated Commissioner Dominguez' comments at the Finance Committee that he has driven next to open fields where the cactus were wearing plastic bags.

Commissioner Mayfield said he is having audio issues and could not hear the presentation well.

Chair Ives re-stated the purpose of the ordinance and explained that there still will be plastic bags at the grocery stores for the purpose of bagging meat and produce to prevent leakage.

Commissioner Mayfield said, "Fair enough." He asked if low income families will be charged for the paper bags.

Chair Ives stated the fee is waived in certain circumstances, which is addressed on page 5 of the Ordinance, "*..any person with a voucher or electronic benefit card issued under Women, Infants and Children Program (WIC), the Emergency Food Assistance Program (TEFAP), Temporary Assistance to Needy Families Program (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP, also known as basic food stamps).*"

Ms. Merrill explained that the Ordinance is designed to eliminate plastic bags so people will use paper bags, and under certain circumstances people will get those free.

Commissioner Mayfield asked if there still will be paper bags in department stores .

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Chair Ives said small paper bags still will be available at the department stores.

Commissioner Mayfield said, in department stores, clothing sometimes is placed in plastic hanging bags. What happens to those plastic bags under this Ordinance.

Ms. Merrill said department stores will not have plastic bags.

Commissioner Mayfield said he appreciates and respect this Ordinance but you are talking about pretty large bags that would be needed at department stores. He said in shopping for toys at Christmas you need the large bags for toys and large purchases. He asked if this was taken into consideration.

Councilor Rivera answered said, "Yes, we did." He said the committee has been working on this Ordinance for over a year. They looked at all of this and spoke to retail and grocery stores. Although there is some concern, he said there is overwhelming support for this. He said communities, including Austin, have banned plastic bags. He said, "There was initial push back but then people did get into the groove. I hope that answered your question."

Commissioner Mayfield said he totally supports this ban for grocery stores. He said he doesn't want to oppose Councilor Rivera's proposal. He said, "However, I am concerned about larger bags for big purchases. I don't know how people are going to get toys [to the car] at Christmas."

Councilor Rivera said there is a one-year review built into the Ordinance, to see how it is working and if adjustments need to be made.

Commissioner Mayfield said when you are walking around the mall with paper bags or reusable bags, going from Gap to Dillard's, for example, how are you going to manage all those bags. He asked if there are larger paper bags.

Ms. Merrill said there are a lot of solutions such as combining items and people getting creative, commenting that is up to the retailer, noting the retailer does not have to charge the fee for the bags. He said they can purchase larger bags and absorb the fee. She said a lot of the bigger cities are doing this.

Chair Ives said when they talk about what constitutes a reusable bag, it is a bag with handles. He said the stores could manufacture a larger bag meeting the definition in the ordinance.

Ms. Merrill said when she was in Long Beach California, they had recently passed the ban, and she was amazed at how Target and the shoppers dealt with it and supported it. She said



Target has gotten clever in sending people out with large items by attaching a handle to the bag.

Commissioner Mayfield said he supports this, but he doesn't see how this would work in a mall when you are shopping and walking around with lots of bags, and asked Ms. Merrill to provide him with more information in this regard.

Kim Kelly, a member of the City Business & Quality of Life Committee, who worked on this issue, said more than eight million people are living with this kind of ordinance. She said in Austin, Texas, they do not allow paper bags. She said people have adapted, and at first there are challenges but people work through them.

Chair Ives said he bought a large basket at the farmers market that holds 2 grocery bags of stuff, commenting that it works well.

Chair Ives there is a six-month phase-in for the Ordinance. He said he is sure everyone will be happy to provide feedback to the Council, noting they will be assessing the Ordinance as it moves forward.

Commissioner Mayfield the County has mandated that the public put weeds in plastic bags, and now we asking for no plastic bags. He said, hopefully, you all will support me when I bring that up. He reiterated, "I just don't know how the public is going to move around the mall."

Chair Ives said that is a perfectly fair statement.

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to support the City of Santa Fe's Single-Use Carryout Bags Ordinance, as presented by staff.

**VOTE:** The motion was approved on a voice vote with Chair Ives, Councilor Rivera and Councilor Dimas, no one voting against, and Commissioner Mayfield abstaining. **Explaining his vote:** Commissioner Mayfield said, "I am going to abstain until I have more information."

**(D) DISCUSSION AND POSSIBLE ACTION ON ADDITIONAL SPECIAL WASTE CATEGORIES AS PART OF THE CAJA DEL RIO LANDFILL PERMIT RENEWAL AND MODIFICATION.**

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 15, 2013, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "5."

Commissioner Mayfield asked if a special permit is required from the Environment Department to accept special waste.

Mr. Kippenbrock said yes, we have to include them in the permit application and request permitting for each category.

Commissioner Mayfield asked if there would be an extra cost for this.

Mr. Kippenbrock said a disposal plan has to be written for each category, noting there is a \$1,000 fee for each, which would be \$6,000.

Commissioner Mayfield asked if this amount is in the budget.

Mr. Kippenbrock said that the cost for the additional permits is in addition, and will be brought before this Board for its approval.

Commissioner Mayfield asked Mr. Kippenbrock if he has fees in mind for these services.

Mr. Kippenbrock said no. He said, currently, our Ordinance does not indicate a special fee. He said the fees will be associated with the regular fees which currently are in place.

Commissioner Mayfield asked if we are looking at significant amounts.

Chair Ives said we don't know what the flow will be, so to some degree, we are taking a chance that there will be enough of this kind of waste coming in to cover the costs. He thinks we have greater flexibility in accepting more types of waste recognizing, that there is some waste we do not want to get into such as medical and asbestos. He said this is an attempt to be as responsive as possible to meet the needs of the community and still have flexibility.

Commissioner Mayfield asked if the permit fees are due annually for special waste.

Mr. Kippenbrock said this is a one time application fee only.

Commissioner Mayfield said then once we pay this application fee, "we are done."

Commissioner Ives said we are done for 20 years. He said we have to reapply every 20 years.

Commissioner Mayfield asked Mr. Kippenbrock if he has been approached by anyone who wants this special waste accepted.

Mr. Kippenbrock said no.

Mr. Mayfield said he has asked Mr. Kippenbrock time and again to approach Los Alamos and Rio Arriba counties, and invite them to make presentations to our Board regarding bringing their solid waste to SWMA. He said, "I am perplexed. Now he brings up taking in more waste. I am wondering why he cannot afford me the consideration of bringing two other counties to the table in order to accept their waste at our landfill."

Chair Ives said I would say that I am happy to have that as a specific agenda item at our next meeting, commenting it would give us time to figure out the economics such a proposal.

Commissioner Mayfield said, "I guess that is fair but I have been asking for this for a while now."

Ms Collins said, in regard to the special waste categories, the Environment Department is very interested in having landfills permitted for as much as possible "so it does not have to be transferred."

Chair Ives asked Mr. Kippenbrock if he had any thoughts about this.

Mr. Kippenbrock said he will re-engage with the two entities to see if they can come down for our August meeting. He said he was hoping to tie this to our assessments, not only for these two counties, but for San Miguel County as well.

Commissioner Mayfield said he shares the concerns of others, in terms of what our life would be if we accept this other waste. He said, in fairness, we can have this presentation at the next meeting, but "I will say again that I want to have these counties present. I ask for my other two colleagues to be present as well before moving ahead."

Chair Ives said we will get this item on the next agenda and invite those counties.

Mr. Kippenbrock said that this discussion has been part of what the working group has been considering. He said we can get an update at the next meeting.

**MOTION:** Commissioner Mayfield moved, seconded by Councilor Dimas, to postpone this item to the next meeting of the Board on August 15, 2013.

**DISCUSSION:** Chair Ives asked when do we anticipate filing the permit application.

Ms Kelly said 60 days from now. She said they will be making a presentation at the September

Board meeting, unless they do not receive a decision from this body regarding special waste.

Councilor Rivera asked are there any special requirements if we accept special waste. He asked if that waste will go into its own special area, and if that would cause any transportation issues.

Mr. Kippenbrock said industrial solid waste has no additional handling requirements.

Councilor Rivera asked if it would affect the life of the facility.

Mr. Kippenbrock said it would affect it minimally, maybe 100 tons a year. He said we don't know the numbers. He said, for example, car washes generate maybe 9 tons a year, noting that is a minimal amount. He said sludge is number one, and the five are very minimal, commenting this would allow us to serve the businesses.

Commissioner Mayfield asked where the sludge is going now.

Chair Ives said sludge is part of our current permit, and it is not one of the five new categories.

Commissioner Mayfield asked if a special permit is needed for paint disposal.

Chair Ives said the paint doesn't go into the landfill, noting that is household hazardous waste.

Mr. Kippenbrock said we encourage people to take paint to the transfer station for special disposal along with household chemicals.

Commissioner Mayfield said so we are okay in handling that waste right now.

Mr. Kippenbrock said yes, noting household hazardous waste is exempt, and we encourage people to properly dispose of that waste.

**VOTE:** The motion was approved unanimously on a voice vote.

*Councilor Dimas departed the meeting and there was no longer a quorum in attendance*

Chair Ives thanked the staff for the update on the permit. He said staff will email Ms. Collins' handout to Commissioner Mayfield.

Mr. Kippenbrock said the comment and review draft of the application is circulating among the professional staff at this time. He said the intent is to take action on special waste at the August meeting, which will the application to be finalized to meet 2015 renewal date.

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Commissioner Mayfield said he doesn't have a problem in supporting this proposal, and asked staff to please email the handout the other two County Commissioners as well.

**VII. MATTERS FROM STAFF**

Commissioner Mayfield asked Ms Kelly to contact him with regard to further information he would like regarding this item.

Commissioner Mayfield asked Ms. Merrill to contact him regarding the ban on plastic bags for department stores, noting he wants more information in this regard.

Ms. Merrill said she would do so

**VIII. MATTERS FROM THE BOARD**

Councilor Rivera said he had the opportunity to ride with the City recycling crews. He thanked Ms. Merrill and Mr. Gabaldon for the tour. He noted that there are huge piles of glass and broken down equipment at BuRRT.

Mr. Kippenbrock said they are waiting for parts. He said he will come up with plan to process the glass in a more timely manner.

Councilor Rivera asked staff to set up a visit to the new Albuquerque recycling center, which is brand new and state of the art.

Mr. Kippenbrock said he will do so.

Chair Ives said he thinks this is a great idea.

Ms Merrill asked how soon would you like for her to arrange the tour.

Councilor Rivera asked that it be arranged for mid-August or late August, and Ms Merrill said she will get that done.

Councilor Rivera noted that we don't have a quorum. He said he understands that both bodies can have alternate members who can attend if one of us can't attend, and we need to remember that.

Chair Ives said anytime we know we are going to be absent, we need to get notice to the alternate(s).

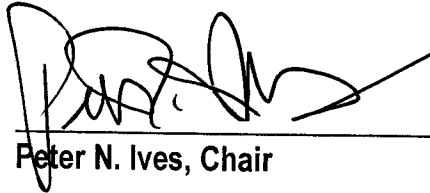
Commissioner Mayfield said he did call to say he would be absent today, and did give the name of his alternate for this meeting.

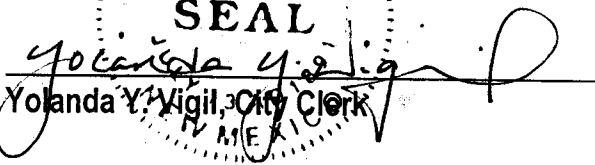
IX. NEXT MEETING DATE: Thursday, August 15, 2013.

X. ADJOURNMENT

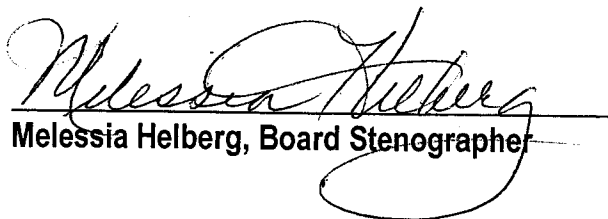
The meeting was adjourned at 1:45pm

APPROVED BY:

  
Peter N. Ives, Chair

ATTESTED TO OF SANTA FE  
CITY ORGANIZED IN  
SEAL  
  
Yolanda Y. Vigil, City Clerk

SUBMITTED BY:

  
Melessia Helberg, Board Stenographer